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ABSTRACT

This report was prepared to improve trustee understanding of duties and discharge of responsibilities. The manual deals with their (1) role in facets of higher education, such as business management, finance, long-range planning, fund-raising, public relations, public service, establishment of educational objectives; (2) general, financial and academic responsibilities; (3) responsibility toward faculty, administration, and student; and (4) special responsibilities concerning the public colleges and universities in North Carolina. It includes a comparative study of state and private boards, complexity of control, lines of authority, and legal and legislative intricacies affecting authority. The 60 pages of appended information include a selected bibliography and analyses of detailed questionnaires circulated to all public and private colleges and universities in the state. (AF)

DUTIES AND RESPONSIBILITIES OF COLLEGE AND UNIVERSITY TRUSTEES

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DUTIES AND RESPONSIBILITIES OF COLLEGE AND UNIVERSITY TRUSTEES

*Prepared by
Ben C. Fisher*

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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**SPECIAL REPORT 3-69 (DECEMBER 1969)
NORTH CAROLINA BOARD OF HIGHER EDUCATION
RALEIGH, NORTH CAROLINA**

PREFACE

A discussion of the duties and responsibilities of trustees was included in Planning for Higher Education in North Carolina, published by the Board of Higher Education in November 1968, in recognition of the importance of boards of trustees of colleges and universities which have the legal authority and responsibility for internal policy-making and management of institutions of higher education. That text (pages 61-71) was adapted from an early draft of this manual.

It is clear that there is now and has been a "crisis in governance" in American colleges and universities, and that this crisis results in part from widespread confusion and misunderstanding in many quarters of the role of boards of trustees of institutions of higher education. This publication should help create better understanding of the role of the trustee. The extensive bibliography should also assist readers who wish to become more intensively informed about the subjects discussed.

Although other manuals for trustees are available, this one is published especially for use by North Carolina colleges and universities. Much of the information included is applicable generally, however, to public and private institutions in other states as well.

Special thanks are due Dr. Ben C. Fisher, Executive Secretary, Council on Christian Higher Education, North Carolina Baptist State Convention, who prepared this manual at the request of the North Carolina Board of Higher Education. Thanks are also due a number of other persons, including several trustees and college administrators, who read and commented on earlier drafts and whose suggestions were most helpful.

Cameron West
Director of Higher Education
North Carolina Board of Higher Education

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Appendices I and J containing the copyrighted texts of the Student Bill of Rights drafted by representatives of 5 national education associations and the endorsements of 3 of the sponsoring organizations were deleted.

CHAPTER I

INTRODUCTION

Never has it been more important for trustees to have a clear understanding of their duties and responsibilities and for them to keep abreast of changes in higher education and in society at large.

Since the trustees of a college or university have ultimate responsibility for the institution, they must assure that the institution is properly performing its mission, that it has established appropriate standards, and that its faculty and facilities are, insofar as possible, adequate to the assigned task.

They must concern themselves with whether or not the various groups within the institution--the administration, the faculty, and the students--are working harmoniously together, and see that policies and procedures exist through which the voice of each group can be heard on the issues that particularly affect that group.

It is imperative that each institution develop the most effective, democratic system of campus government. To this end, it is important that ways and means be devised to assure the genuine involvement of all parties concerned--the governing board, administration, faculty, and students.

The purposes of institutions of higher education and of the society which supports them are best served in an atmosphere of understanding and cooperation, based upon the sharing of ideas and of responsibility for decisions.

This manual, therefore, has been prepared in the hope that it will assist the trustee better to understand his duties and more effectively to discharge his responsibilities.

The manual deals with 1) the expanding role of the trustee in higher education, 2) major responsibilities of trusteeship, 3) the trustee and the faculty, 4) the trustee and the student, 5) the trustee and the administration, and 6) the trustee of public colleges and universities.

The appendices include a selected bibliography and analyses of detailed questionnaires circulated to all public and private colleges and universities in North Carolina concerning size of their trustee boards, length of terms, organization, method of selection, control, advisory boards, and other matters.

CHAPTER II

THE EXPANDING ROLE OF THE TRUSTEE IN HIGHER EDUCATION

Today's trustee, whether in a small private college or in a large public university, finds in his role an ever-increasing responsibility.¹

Major areas of growing responsibilities of the trustee in policy development and decision-making include business management and finance, long-range planning, fund-raising, faculty and student governance, public relations, institutional aims and objectives, and public service. These are discussed in this chapter.

I. BUSINESS MANAGEMENT AND FINANCE

Higher education is rapidly becoming one of the largest businesses in America. Physical plants, current operations, and investments now represent a multi-billion dollar enterprise. One of the present criticisms directed at higher education is coming from foundations and corporations which are concerned about what they believe to be inept business management and poor handling of investments.² Trustees in the future ought increasingly to assume more responsibility for good business practices, wise investment of funds, and adequate administrative staffing.

II. LONG-RANGE PLANNING

Long-range planning for the total development of the college or university has become a necessity. This includes studying the purpose and size of the institution, developing an adequate campus and facilities, and providing sufficient financial support to carry out educational aims and objectives. Budget planning for as much as ten years ahead is being seriously recommended.³

Trustees will have to come to grips with vital policy-making in long-range planning.

III. FUND-RAISING

Escalating costs in higher education, faculty shortages, and the ever-increasing number of young people who want to go to college have produced a crisis that could not have been foreseen even ten years ago. Fund-raising in both public and private American colleges and universities has become a major responsibility of the trustee.

IV. FACULTY AND STUDENT PARTICIPATION IN COLLEGE AND UNIVERSITY GOVERNANCE

A major issue in higher education today is growing pressure from both faculty and students for more voice in determining the purposes and policies of the educational institution of which they are a part. In partial response to this pressure an increasing number of institutions have added students to their governing boards. Wake Forest University on November 12, 1969 became the first institution in the state to add to its Board a student with full voting privileges. This issue is likely to be debated for some time, but much of the responsibility for the ultimate solution to this problem rests with the trustees.⁴ Helping to provide for equitable and appropriate student and faculty participation in institutional policy-making is perhaps the greatest single challenge to today's trustee.

V. PUBLIC RELATIONS

Although higher education has occupied a privileged position in American culture from the beginning, it is paradoxical that the American public, as a whole, still has little or no understanding of the nature and purpose of American higher educational institutions. Some see, and correctly, a resurgence of anti-intellectualism, which has always been present in varying degrees in American society.⁵ Neglect, if not indifference, on the part of both public and private

colleges in informing their supporting constituencies has resulted in misunderstandings, tensions, and, in some cases, open hostilities. In the future, trustees will be expected to serve more effectively as a communication link between higher education and its publics.

VI. EDUCATIONAL AIMS AND OBJECTIVES

There are few, if any, colleges in America today that are not faced with the prospect of redefining aims and objectives, and so rapid are the changes coming about in America and in world culture that the defining of aims and objectives will be a continuing process. The Southern Association of Colleges and Schools now requires that its member institutions engage in a regular self-study at the end of each ten-year period.⁶ The trustee will play a far greater role in the future than he has in the past, not only in helping to determine the aims and objectives of the institution of which he serves, but in seeing that its educational philosophy is implemented.

VII. PUBLIC SERVICE

American colleges and universities have sometimes been criticized for leaning too heavily upon the example of English colleges and German universities, but one of the ways in which American institutions are distinguished from their European models is in the extent of dedication to public service.

What distinguished the American idea of the higher learning from other modern conceptions of the university was not only its essential democracy, but even more its positive dedication to the service of an evolving dynamic, democratic community.⁷

All colleges and universities are being called on increasingly to perform public service in a wide range of areas including research, health, human relations, agriculture, and industrial development, to name but a few. However, it will also be the responsibility of trustees to guard against both public and private

pressures which might divert colleges and universities from their primary educational objectives.

These several categories illustrate some of the reasons why the modern trustee should have an expanding role in higher education and further suggest that responsible and creative trusteeship in American colleges and universities may well determine the future of higher education in America. For these and other reasons, trustees in both the public and private sectors will need to be more carefully selected and more adequately oriented to the campus scene than often has been the case in the past.⁸

¹Glen Lloyd, "Blueprint for Trustees," The University of Chicago Magazine (Spring, 1960), p. 11.

²McGeorge Bundy, as reported in "Colleges' Fiscal Practices to Get More Attention from Ford Fund," The Chronicle of Higher Education, II (February 26, 1968), 1 and 8.

³Sidney G. Tickton, Needed: a Ten-Year College Budget (New York: The Fund for the Advancement of Education, 1964), pp. 13-16.

⁴Gerald P. Burns, Trustees in Higher Education, Their Functions and Coordination (/N.p./, Independent College Funds of America, Inc., 1966), pp. 91-92.

⁵Richard Hofstadter, Anti-Intellectualism in American Life (New York: Alfred A. Knopf, 1963), pp. 48-50.

⁶Standards of the College Delegate Assembly of the Southern Association of Colleges and Schools (Atlanta: Southern Association of Colleges and Schools, December 4, 1968), p. 4.

⁷John S. Brubacher and Willis Rudy, Higher Education in Transition: An American History: 1636-1956 (New York: Harper & Row, Publishers, 1958), p. 378.

⁸Burns, op. cit., p. 170.

CHAPTER III

MAJOR RESPONSIBILITIES OF TRUSTEESHIP

There are certain major responsibilities of trusteeship which are applicable to all institutions, whether public or private. They are discussed in this chapter under the headings of general, financial, and academic responsibilities.

I. GENERAL RESPONSIBILITIES

The general responsibilities of trusteeship include holding the charter, safeguarding the purpose for which the institution was founded, establishing policy, delegating authority, electing a president, holding property, planning for the future, and serving as a court of last resort.

Holding the charter.* A board of trustees holds the institutional charter, and as a corporation represents a legal entity which may sue and be sued, purchase and hold property, have a corporate seal, and make by-laws. In addition, there is the implied power to take steps reasonably necessary to carry out the educational purposes of the institution.¹ Trustees, acting under statutory authority in the case of public institutions and under the authority of a charter in the case of private institutions, have the responsibility for the total welfare of the institution.

Safeguarding purpose. Understanding the purpose for which an educational institution exists and safeguarding that purpose are among the major concerns of trusteeship.² In the final analysis, a school's definition of purpose and

*Technically, North Carolina public colleges and universities, since they are created by statutory enactment, do not have charters. However, the boards of trustees do function as corporations.

its ability to carry out that purpose determine its effectiveness as an educational enterprise.

Establishing policy. Establishing broad policies under which an educational institution will operate is the legislative responsibility of trustees.³ These policies may, for example, pertain to faculty, students, curriculum, size of school, library, alumni, visiting speakers, placement services, public relations, use of campus facilities, and fraternities and sororities. However, determining policy in itself is not enough. These policies, in addition to being formulated, should be recorded, published, and made known to parties concerned.

One of the governing board's important tasks is to ensure the publication of codified statements that define the over-all policies and procedures of the institution under its jurisdiction.⁴

Delegating authority. Once the broad policies have been established for the operation of an institution, the implementation of these policies should be turned over to the president and his administrative staff.

The board of trustees is a legislative, not an executive body, whose primary responsibility is the determination of policy. This means that the board's function is not administrative. Execution of policy must be scrupulously left in the hands of the president.⁵

Electing a president. Many educators feel that the most important function a board of trustees ever performs is that of electing a president.⁶ In American higher education the role of the chief executive is such that success or failure of the institution, to a large degree, will depend upon the quality and integrity of presidential leadership.

Holding property. The trustee, like the steward who buried his talent of gold, is to be held accountable if he does not engage in productive management of all properties and funds for which he is responsible. It has been estimated that colleges and universities could increase their annual earnings substantially from investments through wiser handling of funds.⁷

Planning for future. Long-range planning may well determine the future of many colleges and universities. The primary purpose of long-range planning is to accomplish institutional objectives. Requirements include agreeing on long-range goals, establishing realistic priorities, adopting a time-table, matching resources with needs, and implementing the plan.⁸ It should be noted that while trustees of private institutions can make final decisions in long-range planning, the trustees of public institutions must work within statutory limitations since final approval for funding of most programs, current and proposed, rests with the legislature, or its designated agent, the Board of Higher Education; nevertheless, trustees of public colleges and universities have the same obligation in planning for the future usefulness and development of their institutions as do trustees of private colleges and universities.

Serving as court of last resort. Fortunately, there are not many times when the board of trustees has to serve as the court of last resort. Nevertheless, there are occasions when problems arise which cannot be resolved through regular administrative channels. These problems may involve faculty, students, non-academic personnel, alumni, and the general public.⁹ Before hearing special appeals, trustees ought to be certain that redress of grievances has been sought through established procedures. When this has been done, a speedy and full hearing should be granted to all parties involved.

II. FINANCIAL RESPONSIBILITIES

The trustees must assume major financial responsibilities which include establishing sound fiscal policies, approving the budget, and providing funds sufficient to insure education of high quality.

Establishing sound fiscal policy. The establishment of sound fiscal policy is a primary responsibility of trusteeship.

The board must decide upon the kind of financial and business practices that will be employed at its institution. There is no set pattern that can be applied to these operations in colleges and universities across the nation. Even institutions of the same size and type, because of differences in staff or location, will function under quite different policies.¹⁰

These policies should govern current funds, capital funds, scholarship funds, endowment funds, and all special funds. Moreover, these policies should cover the acceptance of gifts, the borrowing of money, and management of all property. Assuring that up-to-date accounting methods are used and that the business office is sufficiently and competently staffed are also duties of the trustees.

Approving the budget. The first responsibility of the trustee in approving the budget is to be sure that it accurately mirrors the educational aims and objectives of the institution.

Budgets are statements of estimated income and expenditures for fixed periods or for specific projects. They express in terms of dollars the educational program of the institution. Their approval by proper authorities constitutes authorization to incur the expenditures set forth therein and to collect the anticipated income.¹¹

In addition to approving the budget, the trustees should approve any changes in the budget and also see that the budget is balanced. Trustees should receive at least quarterly balance sheets on all operations.

Providing funds. All colleges and universities, whether public or private, are having to depend on multiple sources of income, and for this reason, the role of trustee as fund-raiser has assumed a new importance. Since World War II, the traditional support of higher education in the United States has undergone a radical change, with private institutions having access to more tax monies, and publicly supported colleges and universities turning more to private sources to supplement legislative appropriations. Nevertheless, in the area of finance, a

major responsibility of trustees of public institutions is to work for sufficient appropriations to insure education of high quality,¹² and a major responsibility of the trustees of private institutions is to secure funds from private sources for the same purpose.

III. ACADEMIC RESPONSIBILITIES

Furthermore, the trustee has academic responsibilities which include determining the kind and quality of education, providing for the well-being of faculty and students, protecting the institution, and working with the administration and faculty to achieve educational objectives.

Determining kind and quality of education. Determining the kind and quality of education offered by an institution of higher learning is both a legal and a moral duty of the trustee. He is obligated to judge the quality of the over-all program and to insist on high academic standards.

A board of trustees should understand and approve the kind of education offered by the college or university; the board should ascertain that its quality meets the highest standards possible and appropriate to its purposes; and the board should assist in the planning for educational growth.¹³

Providing for well-being of faculty and students. It is easy for trustees to become so involved with the policies, programs, and mechanics of institutional operation that people are forgotten. Trustees have a responsibility to see that faculty and students are more than names on a roster or statistics in a catalogue.

The most important compensation of a faculty member is the opportunity to do pleasant and useful work under conditions that make it effective Therefore, we ensure first the conditions that make a scholar's work effective. These include library facilities, equipment, students, and a schedule of work that does not preclude performance of high quality. These also involve academic freedom, tenure, and administrative understanding. But in addition to these, a degree of economic well-being and security is vital. Salary, retirement provisions, and various types of insurance are of major importance in this regard.¹⁴

In dealing with students, trustees should realize that student concerns have shifted. Where he lives, what he eats, and traditional social activities are not nearly so important to the student today as having some voice in academic governance and being able to speak his mind on such subjects as social justice, educational reform, and world affairs. To provide legitimate and meaningful channels for student self-expression is now a major challenge.

Protecting the institution. Protecting the institution and its faculty and staff from personal attacks and from outside pressure groups is a major duty of trustees.

Lay boards can help presidents and faculties to interpret education. They can ward off misunderstandings and shield institutions from attack. Their presence as laymen is reassuring to less well-informed constituents and publics.¹⁵

However, it is also the responsibility of the board of trustees to protect the institution if its educational function seems to be threatened from within.

At the same time, it must support the administration in avoiding impairment of freedom because of actions of individuals -- faculty and students -- whose minds are controlled by external groups or whose agitation is not the fruit of intellectual inquiry. The dividing line is sometimes hard to identify, but it is better to err in the direction of freedom than to stifle speech and action.¹⁶

Working with administration and faculty to achieve educational objectives.

It is a primary responsibility of trustees to see to it that a much more meaningful relationship than merely that of employer and employee exists between the board, on the one hand, and the faculty and administration, on the other. The most productive educational situation always results from an effective partnership between the trustees and the faculty and administration. The educational aims of the college or university are best served when all groups have a clear understanding of their respective roles, both in scope and in limitations.

¹Algo D. Henderson, The Role of the Governing Board (AGB Reports, Vol. X, No. 2. Washington, D. C.: Association of Governing Boards of Universities and Colleges, October, 1967), p. 4.

²The New York State Regents Advisory Committee on Educational Leadership, College and University Trustees and Trusteeship (New York: Board of Regents of the University of the State of New York, 1966), p. v.

³Raymond M. Hughes, A Manual for Trustees of Colleges and Universities (third edition; Ames, Iowa: Iowa State College Press, 1951), p. 50.

⁴American Association of University Professors, American Council on Education, and Association of Governing Boards of Universities and Colleges, Statement on Government of Colleges and Universities. Reprinted from AAUP Bulletin, LII (Winter, 1966). (Washington, D. C.: American Association of University Professors, [n. d.]), p. 10.

⁵Myron F. Wicke, Handbook for Trustees (Studies in Christian Higher Education, Number 5. Nashville, Tennessee: Board of Education, The Methodist Church, 1962), p. 22.

⁶Henderson, op. cit., p. 18.

⁷Bundy, op. cit., p. 8.

⁸Bruce E. Heilman, "Long-Range Planning -- Its Merit, Meaning, and Methodology" (address delivered at Jarvis Christian College, Hawkins, Texas, March 2, 1968, for the Ford Foundation Regional Seminars, Academy for Educational Development), p. 13. (Mimeographed.)

⁹Hughes, op. cit., p. 48.

¹⁰Burns, op. cit., p. 102.

¹¹The National Committee on the Preparation of a Manual on College and University Business Administration (compiler), College and University Business Administration (Washington, D. C.: American Council on Education, 1955), Vol. I, p. 23.

¹²T. R. McConnell, A General Pattern of American Higher Education (New York: McGraw-Hill Book Company, Inc., 1962), p. 190.

¹³New York State Regents, op. cit., p. vi.

¹⁴Mark H. Ingraham, with the collaboration of Francis P. King, The Outer Fringe: Faculty Benefits Other Than Annuities and Insurance (Madison, Wisconsin: University of Wisconsin Press, 1965), p. 3.

¹⁵Harold W. Stoke, The American College President (New York: Harper & Brothers, Publishers, 1959), p. 73.

¹⁶Henderson, op. cit., p. 15.

CHAPTER IV

THE TRUSTEE AND THE FACULTY

Of great importance is the relationship of trustees and the faculty. Broadly speaking, the following areas are of mutual concern: faculty participation in policy-making, academic freedom and responsibility, tenure, appointments, promotions, retirement, professional improvement and salaries and fringe benefits.

I. FACULTY PARTICIPATION IN POLICY-MAKING

It is not within the scope of this manual, except in the broadest terms, to deal with the problems of faculty participation in college or university governance. However, for the past several years the question of a faculty share in policy development and decision-making has been a growing issue in American higher education and has resulted, sometimes, in a complete polarity of views.

For example, there are some who assert that trustees should take back all academic authority,¹ while there are others who insist that virtually all authority for governing colleges and universities ought to reside in the faculty.

There are also those who feel that faculty members ought to be voting members of the boards of trustees. On the other hand, Gerald P. Burns, in his book Trustees in Higher Education, says that "faculty should have a strong voice, not a strong vote, in the determination of academic policy."²

However, there is general agreement that in the future, better lines of communication need to be established between trustees and faculties. Unilateral action is likely to lead to confusion or conflict. In any case, the lay system of trusteeship in American higher education has been productive because trustees have been wise enough to delegate authority and assign responsibilities to competent educators, especially in those areas that are primarily academic.³

The American Association of University Professors, along with the American Council on Education and the Association of Governing Boards of Universities and Colleges, while recognizing that trustees hold the power of review or final decision on all academic matters, suggests that the following areas are the primary concerns of the faculty:

. . . curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.⁴

Should it be necessary for the board of trustees to review or reverse a faculty decision, two further suggestions are made: 1) that this be done only in exceptional circumstances and 2) that the reasons for such action be communicated to the faculty.⁵

In addition, this statement suggests that the faculty have a voice in long-range planning, use and development of physical plant, budgeting, choosing a president, selection of deans and other chief academic officers, and in institutional relations with the public.⁶ Other organizations which have endorsed this statement point out that it is intended to be a guideline rather than a blueprint.

II. ACADEMIC FREEDOM AND RESPONSIBILITY

With regard to academic freedom the trustees have three major responsibilities: 1) to guarantee to each teacher the freedom to teach and discuss his subject in the classroom, freedom to engage in research and to publish his findings, and freedom to speak as a citizen without fear of institutional censure; 2) to provide in writing at the time of employment any strictures placed on academic freedom either by charter or religious aims; and 3) to see to it that academic freedom always exists within the framework of academic responsibility. For example, the teacher is expected to use his classroom responsibly.

The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.⁷

Furthermore, the teacher has an institutional obligation outside the classroom.

As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that he is not an institutional spokesman.⁸

III. TENURE

Perhaps there is nothing in the academic realm which has been so misunderstood as tenure. Tenure has never meant that a teacher cannot be dismissed, but it does mean that he cannot be dismissed without proven charges and due process. A teacher's contract can also usually be terminated when financial necessity can be demonstrated as the cause.

A teacher is entitled to tenure only after he has fulfilled certain conditions of employment, and after a reasonable period of mutual evaluation, during which time he has full academic freedom. When the probationary period has been completed, if both the teacher and the institution are satisfied, the terms of employment should be stated in writing.⁹

IV. APPOINTMENTS, PROMOTIONS, RETIREMENT

Upon recommendation of the president, the trustees are called upon to confirm new and special appointments, to approve all promotions and to certify retirements. While these matters, in actual practice, rarely preoccupy much of the attention of the trustees, they are of great concern to the faculty and should be so recognized by the governing body.

V. PROFESSIONAL IMPROVEMENT

Trustees should feel a definite responsibility for encouraging professional improvement on the part of the faculty. There are at least four major ways trustees can assist the faculty in becoming better teachers: 1) by establishing sabbatical leaves, 2) by making possible leaves of absence for completing or beginning work on advanced degrees or for other approved purposes, 3) by providing funds to attend meetings of professional learned societies, and 4) by including in the library special provisions for faculty study and research.

VI. SALARIES AND FRINGE BENEFITS

While the setting of individual salaries and the delineation of fringe benefits are functions of the administration, in consultation with appropriate campus personnel, the trustees customarily assume responsibility for policy matters regarding compensation for faculty services performed. Their decisions may be made upon the basis of prior discussion of all pertinent issues by a joint trustee-faculty committee. Such discussions normally focus upon 1) salary scales for the several faculty ranks, 2) adjustments of inequities, 3) the setting of percentage of annual salary increases and the method of distribution and 4) the improvement of fringe benefits. In the public institutions other state agencies have statutory responsibilities which often relate to certain of the aforementioned items.

The trustees can ill-afford to ignore faculty compensation as a major force for morale-building on the campus and as a necessary factor for maintaining the vitality of the institution.

¹Beardsley Ruml and Donald H. Morrison, Memo to a College Trustee: A Report on Financial and Structural Problems of the Liberal College (New York: McGraw-Hill Book Company, Inc., 1959), p. 13.

²Burns, op. cit., p. 91.

³Ibid., p. 90.

⁴American Association of University Professors, et al., op. cit., p. 12.

⁵Ibid.

⁶Ibid., pp. 7-8.

⁷"Academic Freedom and Tenure, 1940 Statement of Principles," American Association of University Professors Bulletin, LI (September, 1965), p. 389. (For text of this Statement, see Appendix A.)

⁸Ibid.

⁹Ibid.

CHAPTER V

THE TRUSTEE AND THE ADMINISTRATION

The selection of the president will be one of the most important administrative functions of the board of trustees. In addition, there are three other general areas which need to be accorded special consideration. These special areas are 1) the relationship the trustees will have with the president, 2) the selection of trustees, and 3) the organization and orientation of the board.

I. SELECTING THE PRESIDENT

It has been suggested that the selection of a president is the most important single function which a board ever performs.¹ Here again it is important that the trustees act in community rather than in isolation. In selecting a college or university president, the spirit is as important as the method. By spirit is meant creating a genuine sense of participation among all those who should be involved directly or indirectly in the selection of a chief administrative officer.² By method is meant developing an efficient, orderly, and organized process for implementing the search and for consummating the contract.

In addition to the mechanics of selecting and organizing a competent working committee, planning meetings, making arrangements for keeping records, and compiling the prospect list,³ the two most important responsibilities are the development of adequate criteria and the inclusion of faculty, student, and alumni participation. While trustees will make the final decision, giving others who are related to the institution a real voice in the selection of the chief

administrator is essential. Frederick deW. Bolman has pointed out that giving the faculty some role in presidential selection is a growing practice, and that where faculty members feel that they are being denied a voice in the affairs, they cease to care;⁴ while Harold W. Dodds emphasizes that not to involve the faculty many times works against the president after he is elected.⁵ By the same token, the appropriate interests of students and alumni should be considered.

The important thing in developing the criteria is matching the man and the moment. Criteria concerning the personal qualifications of candidates, to be meaningful, must be fitted to the present and future needs of the institution.

II. RELATIONSHIP WITH THE PRESIDENT

While the board of trustees will always determine policy, it will look to the president, his staff and faculty for guidance in the formulation of over-all institutional policies and programs.⁶ The important thing to remember is that once policies have been approved by the board, they should be administered by the president. Again it should be noted that trustees are policy-making, not administrative, bodies.

Moreover, the president should be the spokesman of the institution in dealing with the board of trustees, and it is of extreme importance that he not be by-passed, either carelessly or deliberately, by any components of the academic community.

For a board to give to subordinate administrative officers independent access to it or to seek information except through the president are sure ways to undermine the administrative authority of the president and, ultimately, the board's confidence in him. Nothing will make an institution quiver to its foundations more quickly than evidence or rumor that the board relies more confidently upon someone else than it relies upon the president.⁷

Furthermore, the president, because he is carrying out policies determined by the board, will often be subject to unjustified criticism both from within and from without the institution. He should have the immediate and unqualified support of his trustees.

The president's working environment is important. Since his home is used for many public functions, it should be adequate for such purposes. From time to time his salary and fringe benefits, such as retirement, insurance, and travel and entertainment allowances, should be reviewed.⁸

On the other hand, the necessity for the president's honest sharing of full information with the board can scarcely be over-emphasized. The administration owes to the trustees a clear-cut view of the institutional operation, carefully planned board and committee meetings with sufficient advance information about the agenda, regular financial statements including at least a quarterly balance sheet, aggressive leadership in long-range planning and in problem solving, and promptness and integrity in reporting the bad news as well as the good.

III. SELECTION OF TRUSTEES

As the role and responsibility of trusteeship have increased, so has the importance of electing only the most capable and interested men and women. Robert E. Phay, in his study of the characteristics of 22 governing boards in leading public universities, discovered that there are six basic methods in the selection of trustees, ranging from appointment by the governor to election by alumni.⁹ Most private colleges and universities have self-perpetuating boards, and most denominational colleges recommend trustees who are approved by the

parent body. Whatever the method of selection, whether it be in a public, private, or denominational college or university, ways must be found to insure the appointment of qualified persons.

The New York State Regents Advisory Committee on Educational Leadership suggests the following points in the recruitment and selection of board members: 1) establish a standing committee on recruitment, 2) develop criteria for trusteeship tailored to the individual institution, 3) find ways to replace less effective trustees with more effective ones, 4) set a compulsory retirement age, and 5) make the nominating committee responsible for the nomination of the officers as well as the members of the board.¹⁰

IV. ORGANIZATION AND ORIENTATION

In American higher education the size of governing boards varies greatly, both in public and private colleges and universities. This is also true in North Carolina where, for example, the number of trustees of the University of North Carolina is more than 100, while the other public colleges and universities have 12 each. The size of the boards of trustees of private institutions ranges from six to 49, with the average size being 30.*

The basic work of a modern board of trustees cannot be effectively accomplished, however, without carefully structured working committees. Gerald P. Burns cites five reasons for the appointment within the board of special committees: 1) more can be accomplished in less time, 2) intimate

*See Appendix C through H for tabulation of general characteristics of composition of boards of trustees of North Carolina colleges, prepared from "Questionnaire concerning Trustees," circulated by the North Carolina Board of Higher Education, May, 1968.

Further data are compiled in Appendices 2, 3, 4, and 5 of the Report of the Commission on the Study of the Board of Trustees of The University of North Carolina (Raleigh, North Carolina: Commission on the Study of the Board of Trustees of The University of North Carolina, 1966), pp. 40-46; also in Robert E. Phay, Selected Characteristics of Twenty-Two Governing Boards of Public Universities, prepared for President William C. Friday of the University of North Carolina, by the Institute of Government, University of North Carolina at Chapel Hill, 1965 (mimeographed).

contact with problems is possible, 3) specialized skills can be more readily used, 4) a closer relationship develops between trustees and faculty, and 5) the smaller units can meet more frequently than the whole board.¹¹

An executive committee is desirable for many reasons. This pivotal committee can meet more frequently, handle assigned problems with more dispatch and efficiency than the whole board, and assemble more quickly and less expensively. However, the structure, method of appointment, and responsibilities of the executive committee should be reviewed from time to time. Since the involvement of all trustees in the total development of the institution is desirable, any tendency to shift more and more power and responsibilities to fewer and fewer trustees is not good policy. This situation usually comes about by default rather than design, but when it does exist, it should be corrected. The individual trustee has a greater stake here than he may imagine since he has some legal, as well as moral, responsibility for the actions of the board as a whole.

Dr. Sharvy Umbeck, president of Knox College, makes the following suggestions about the selection and enlistment of trustees: 1) choose only those persons of demonstrated integrity and ability who are sympathetic with the purposes of the institution; 2) select trustees from varied backgrounds, including educators, professional men, contractors, corporation executives, management experts, persons active in public relations, newspaper, radio, and television work, and others who will represent a wide spectrum of community interests and experience; 3) enlist trustees to carry out the purposes of the institution, rather than to represent a constituency; 4) make clear to the trustees that they are expected to work, and never make it appear that the

assignment will take only a little time; and 5) insist that new trustees spend at least two full days on the campus prior to attending their first meeting of the board of trustees.¹² It should be added that, the financial needs of all types of institutions being what they are, strong consideration should be given to the ability of the trustees to generate gifts and bequests.

The orientation of trustees is a continuing process, and the person primarily responsible for supplying trustees with accurate, comprehensive, and up-to-date information is the president. Robert W. Merry has correctly stated:

To understand an institution a trustee must acquire a considerable body of knowledge about it. He must see it realistically as a living experimental organism in a changing environment. The knowledge is necessary both to permit his own analysis of the variety of problems that will arise and to enable him to evaluate quickly the statements of others with whom he talks about the institution.¹³

Ruml and Morrison have further observed:

The individual trustees often come to their positions with little knowledge of the institution or of higher education and require much careful educating. . . . The trustees do need to become educated about and concerned with the basic educational program, because it is their job to see that the institution is adequately nourished and sufficient provision is made for the faculties and staff. They must know what the institution is about if they are to do this job intelligently.¹⁴

Trying to orient trustees, particularly new trustees, at regular board sessions has not proved too successful. Either enough time is not given and the subject matter is treated superficially, or sufficient time is taken and the board meeting is extended beyond the length of time that many business and professional men feel that they can afford to stay. While some orientation could well be included in all general sessions, separate conferences, week-end retreats,* special days and seminars have proved very effective in acquainting

*For a number of years the Baptist State Convention of North Carolina has sponsored a week-end orientation conference for the trustees of its colleges and university.

the trustee with his duties and responsibilities.

The New York State Regents Advisory Committee recommends for the development of trustee leadership that such a program should include at least the following broad categories: 1) a discussion of institutional history and purposes, 2) a discussion of trustee responsibilities, and 3) a conference with the president and selected staff and faculty members about the aims and programs of the institution.¹⁵

Recent events in North Carolina have demonstrated that in both the public and private sectors of higher education there is need for better understanding on the part of trustees of public senior colleges and universities of the constitutional and statutory provisions for higher education, while trustees of denominationally owned or oriented institutions similarly need to be better informed about the relationship of their institutions to the parent body.

¹New York State Regents, op. cit., p. 6. Also see Bill J. Priest, "Selecting a College President," Junior College Journal, XXXV (April, 1965), p. 7.

²Harold W. Dodds, The Academic President -- Educator or Caretaker? (New York: McGraw-Hill Book Company, 1962), pp. 276-279.

³Ben C. Fisher, A Manual for College Trustees (Raleigh, North Carolina: Edwards & Broughton Company, second edition, 1968), pp. 52-54.

⁴Frederick deW. Bolman, How College Presidents Are Chosen (Washington, D. C.: American Council on Education, 1965), p. 13.

⁵Dodds, op. cit., p. 277.

⁶American Association of University Professors, et al., op. cit., p. 10.

⁷Stoke, op. cit., p. 77.

⁸Morton A. Rauh, College and University Trusteeship (Yellow Springs, Ohio: Antioch Press, 1959), p. 29.

⁹Robert E. Phay, Selected Characteristics of Twenty-Two Governing Boards of Public Universities (prepared for President William C. Friday of the University of North Carolina, by the Institute of Government, University of North Carolina at Chapel Hill, 1965, mimeographed), pp. 2-3.

¹⁰New York State Regents, op. cit., pp. 1-3.

¹¹Burns, op. cit., p. 77.

¹²Sharvy Umbeck, "Duties and Responsibilities of College and University Trustees" (address delivered at annual conference for trustees of North Carolina Baptist institutions, January 5, 1968, unpublished).

¹³Robert W. Merry, "How to Orient and Train Trustees," Liberal Education, XLV (October, 1959), p. 373.

¹⁴Quoted in Burns, op. cit., pp. 69-70; documented p. 73.

¹⁵New York State Regents, op. cit., pp. 4-5.

CHAPTER VI

THE TRUSTEE AND THE STUDENT

Trustees must have a sympathetic understanding of today's college student and the significant changes which are taking place in higher education.¹ The student revolt beginning in Berkeley in 1964-65 and the subsequent student "takeovers" at such institutions as Columbia, Cornell, Harvard, San Francisco State, Chicago, Wisconsin, Princeton, St. John's, City College of New York, Wiley, Central State (Ohio), Howard and a host of others--not to mention recent serious outbreaks on campuses in North Carolina--are events which have most sharply pointed up the so-called "student rebellion." Badly shaken presidents, deans, faculty members, and trustees have been engaging in some honest soul-searching in attempts to find the reasons underlying massive student discontent. The American public has also been disturbed and dismayed. There have been few popular national magazines that have not devoted one or more full-length feature articles to the student crisis (e.g., Time, Life, Fortune, Newsweek, Saturday Review, U.S. News and World Report, The Atlantic, Harper's, Esquire, Look, New Republic, and Christian Century).

The pundits have analyzed the situation in the press, and national television networks have given prime time to forums, seminars, and on-the-scene reporting. The scholarly world has also been busy. The editors of The American Scholar, published for general circulation by Phi Beta Kappa, devoted the entire autumn 1969 issue to "Revolution on the Campus,"² while Daedalus, Journal of the American Academy of Arts and Sciences, gave all of its 350-page winter 1968 issue to the student and politics.³ Compact, published by the Education Commission of the States, devoted the October 1969 issue to "Confrontation on the Campus." The books, lectures, and special studies by highly qualified

sociologists, psychologists, and psychiatrists now constitute a formidable bibliography. All of this means that because the public has been informed, and sometimes misinformed, about the contemporary student situation, the trustees and administrators of colleges and universities are going to be under tremendous pressure for a long time to come. It is therefore important that trustees not yield to pressure groups, act hastily, or make decisions without sufficient information.

In order to deal intelligently with student problems a clear understanding is needed of the following closely related but distinctive developments in American higher education: judicial review, along with the modification of the in loco parentis concept; student rights; and the disruption of the orderly operation of colleges and universities by illegal acts.

I. JUDICIAL REVIEW

Extension of judicial review to cover the student, enabling him under certain circumstances to seek redress of grievances through the courts, is a trend in American society which is likely to continue.⁴ Trustees and administrators, even five years ago, seldom had their decisions challenged in court, but they must now keep this possibility in mind.

Judicial review concerns itself most often with two broad categories: procedural due process and political freedoms. Courts are more often holding that, because education has become a social necessity, even a minor cannot be deprived of this important privilege without due process--demonstration of sufficient cause and a fair hearing. The courts have also shown interest in rules pertaining to student conduct which have to do with political activity and expression on campus, and in rules which regulate student invitations to visiting speakers.⁵

While all are agreed that judicial review will be a continuing trend, not all agree on just what effect this trend will have on American colleges and universities. Dr. James Perkins, former president of Cornell University, sees two major dangers to higher education:

One is the prospect that the academic institution will be prevented from making qualitative decisions about human talent. The other is that the institution's ability to protect academic freedom may be sacrificed.⁶

On the other hand, Professor Clark Byse of the Harvard School of Law believes that it is better for students "to be encouraged to utilize the orderly processes of the courts than to strike, to sit in, or to engage in other confrontations in which the appeal is in significant part, if not primarily, to force rather than to reason and the mind."⁷

Perkins and Byse agree that a satisfactory solution to the problem of student unrest will require a willingness of the academic community to seek self-understanding and definition, and to make the necessary changes to fulfill the needs of contemporary students; willingness on the part of the courts and legislative bodies to use appropriate restraint; and willingness of administrators, faculties, and students to assume special responsibilities in supporting the academic community.

The academic community, however, must realize that judicial review is now a live option for the student.

II. IN LOCO PARENTIS

One of the most striking and rapid changes in the attitude of the courts has been their re-evaluation of the old concept of in loco parentis. The belief that the college or university should act as a parent to the student away from

home has been seriously modified, and in many places altogether abandoned.

Van Alstyne takes the position that the demise of in loco parentis is no cause for concern:

As the analogy of in loco parentis is several times false in fact, we need not be surprised or alarmed that it is now being discarded. Large scale collegiate operations, the heterogeneity of their student bodies, the varying ages of their students, the irreducible impersonality of their operation, and the grave consequences of their disciplinary proceedings, all support the heightened requirements of greater procedural fair play in their treatment of alleged violators of their rules. The immediate, practical, and constitutional result of these phenomena is this: colleges and universities may no longer enforce their rules through sanctions seriously jeopardizing a student's career in the absence of procedures which are fundamentally fair.⁸

It is to be noted that, particularly in denominational colleges, the theory of in loco parentis has in the past been applied extensively to off-campus activities and conduct as well as to on-campus activities. It is safe to presume that hereafter, in the absence of clear-cut statements of rules and regulations in writing, and in the absence of procedures "which are fundamentally fair," these institutions, no less than public institutions, may face the prospect of court challenge.

It should be pointed out, however, that, regardless of the modifications of the concept of in loco parentis, in practice students still enjoy certain immunities resulting from their campus residence. Rarely do law enforcement officers serve warrants for arrest, for example, without first clearing with college or university authorities. There is also a tendency on the part of the general public to treat students who are guilty of infractions of the law with greater leniency than they treat other citizens.

To the degree to which students secure freedom from the protection of in loco parentis, they inevitably subject themselves to full responsibilities as

citizens. It is precisely on this assumption that virtually every state in the union has recently put on the statute books additional legislation directly applicable to the behavior of students, particularly as related to campus disorders.

III. STUDENT RIGHTS AND FREEDOMS

The Joint Statement on Rights and Freedoms of Students, popularly known as the "Student Bill of Rights," is a landmark document in the history of American higher education, and every trustee should be familiar with it.* The statement is the result of a joint effort by five national educational organizations, endorsed by five others, and is concerned with six major areas: I. Freedom of Access to Higher Education, II. Freedom in the Classroom, III. Student Records, IV. Student Affairs, V. Off-Campus Freedom of Students, and VI. Procedural Standards in Disciplinary Proceedings. The following statement of purpose is found in the Preamble:

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all

*See Appendix I for the full text of the document.

members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn.⁹

This pronouncement outlining freedoms and suggested procedural standards for student discipline is likely to become as definitive for student rights as the AAUP statement on academic freedom and tenure is for members of the faculty. It should be borne in mind, however, that each of the participating bodies reserved the right to interpret the statement in light of its own presuppositions and predilections. A compilation of some of these interpretations was published in the July 1968 issue of College and University Business and is carried as Appendix J of this document.

IV. DISRUPTION OF ORDERLY OPERATION

As distasteful as it may be, the whole problem of the disruption of the orderly academic and administrative processes and the question of "necessary force" to protect the campus and the academic program have to be faced. The trustees, realizing that confrontations of many varieties will continue to occur on public and private campuses, must, if they have not already done so, take whatever action is necessary to anticipate, and to deal effectively and judiciously with, such activities. Policy statements should be drawn up and approved, however, only after all possible data relative to campus crises and problems have been compiled, sifted, and analyzed. The trustees should utilize all available resources, including statutory regulations, legal opinions, information from other campuses, and the considered judgments of administration,

faculty and students. Once a policy statement has been approved it should immediately be given the widest possible publicity in the campus community.

It should be understood that the implementation of the approved policy, in the event of a campus crisis, would be left to the administrative officers. The educational leaders are closest to the problem and should deal with it. If the administration is bypassed either deliberately or thoughtlessly, there is risk of undermining the authority of the administrators in other important matters.

While it is hoped that it will not be necessary to use civil authority, sometimes it is necessary. Indecision and vacillation, as opposed to deliberate delay, do not help.

When internal efforts to terminate lawlessness have proved unavailing, an educational institution should not flinch from the necessity of summoning others to its assistance.¹⁰

It is the prerogative of the trustees to set up whatever "courts of appeal" may be desirable for hearing complaints from any segment of the campus. Whatever their delegation of authority, however, the trustees ultimately have an obligation to maintain order and enforce discipline when the regular and essential operation of the institution is threatened or the educational purpose is subverted. An institution which by its very nature is guided by intelligence and reason cannot tolerate the substitution of violence for the power of persuasion, nor permit anarchy under the guise of dissent or civil disobedience.

Earl Morris, former President of the American Bar Association, in a recent address at Syracuse University, got at the heart of the problem when he said:

The concept of civil disobedience has been distorted in these times to justify violence and anarchy. As an example, I refer to the students at a southern university who completely stopped the operations of the school by invading the administration building and camping there, demanding that charges be dropped against students who had allegedly participated in a previous disturbance; at this same school, a year before, students attacked a classroom building, knocked down campus policemen, ripped out a door, in order to disrupt a disciplinary committee meeting that had been called to hear charges against a student.

These people misdirect and misrepresent the philosophy of dissent and the doctrine of civil disobedience. They are not attempting to change a law or influence government policy; they are expressing, in a violent manner, their distaste with "the way things are being run"; they are using civil disobedience as a pressure technique and as an almost instinctive response to any grievance, real or imagined. This is not genuine civil disobedience: it is the wanton, reckless use of "muscle," without order, without logic, without intelligence.¹¹

Thirty-five professors of the Columbia Law School, while also making it clear that "organized protest is an eminently allowable activity," nevertheless conclude:

The force of reason rather than the force of massed bodies must be the reliance of those who wish to influence a community guided by intelligence, as is Columbia. Disrupting institutional proceedings is an impermissible substitute for rational persuasion. Using muscles instead of minds to express dissent has no place in the academic setting.¹²

Members of the Council of the American Association of University Professors make no mention of the use of outside aid in maintaining order, but they do speak very clearly and very forcefully to the necessity of protecting the "educational processes":

In view of some recent events, the Council deems it important to state its conviction that action by individuals or groups to prevent speakers invited to the campus from speaking, to disrupt the operations of the institutions in the course of demonstrations, or to obstruct and restrain other members of the academic community and campus visitors by physical force is destructive of the pursuit of learning and of a free society. All components of the academic community are under a strong obligation to protect its processes from these tactics.¹³

The trustees of the Consolidated University of North Carolina on October 27, 1969 adopted procedures for dealing with campus disruptions which read in part as follows:

The University of North Carolina has long honored the right of free discussion and expression, peaceful picketing and demonstrations, the right to petition and peaceably to assemble. That these rights are a part of the fabric of this institution is not questioned. They must remain secure. It is equally clear, however, that in a community of learning willful disruption of the educational process, destruction of property, and interference with the rights of other members of the community cannot be tolerated.

(a) Any student, faculty member (including full-time or part-time instructor), or employee who willfully by use of violence, force, coercion, threat, intimidation or fear, obstructs, disrupts or attempts to obstruct or disrupt, the normal operations or functions of any of the component institutions of the University, or who advises, procures, or incites others to do so, shall be subject to suspension, expulsion, discharge, or dismissal from the University. The following, while not intended to be exclusive, illustrate the offenses encompassed herein: occupation of any University building or part thereof with intent to deprive others of its use; blocking the entrance or exit of any University building or corridor or room therein; setting fire to or by any other means substantially damaging any University building or property, or the property of others on University premises; except as necessary for law enforcement, any display of or attempt or threat to use firearms or explosives or, for the purpose of intimidating, other weapons, in any University building or on any University campus; prevention of the convening, continuation or orderly conduct of any University class or activity or of any lawful meeting or assembly in any University building or on any University campus; inciting or organizing attempts to prevent student attendance at classes; and, except with the permission of the Chancellor, blocking normal pedestrian or vehicular traffic on any University campus.*

The main objective of the academic community is to create a climate where disruption is not likely to occur. A college administrator stated recently that student revolutions are least likely to take place on campuses where students

*For full statement see Appendix K.

feel that they can be heard and that what they say will be weighed and considered. He suggested that there are at least three conditions which are necessary for the creation of such a climate: 1) there must be regular channels for voicing student opinion; 2) students must know and trust these procedures; and 3) the college or university must demonstrate that it will not only hear student opinion, but study it seriously, and if possible, act upon it.

The Board of Higher Education in June 1968 issued a statement on student rights and responsibilities to the public colleges and universities in North Carolina which the trustees of private institutions might also wish to examine in developing policy statements and procedures.^{14*}

In summary, trustees should undertake:

1. To seek a basic understanding of the issues and problems concerning student status.
2. To guard against pressures, from any groups within or without an institution, which can lead to hasty decisions and unwise actions.
3. To search for solutions to these problems, not in isolation but in structured community dialogue involving administration, faculty, students, and sometimes alumni.
4. To guide the development and publication of an institutional statement of students' rights, including basic freedoms and procedural due process for student discipline.
5. To seek ways and means, wherever appropriate, to make the student a genuine participant in the affairs of the college or university.
6. To understand that, important as the student is, there are other considerations such as the responsibility for transmission of knowledge, the pursuit of truth, and in some cases the general well-being of society.
7. To recognize that the time to act is before and not after a crisis.

*See full statement in Appendix B.

8. To be prepared to act swiftly and decisively to deal with any student or group of students who interfere with orderly processes, who seek to impose their will by force or violence, or who subvert the purposes of the institution by language or conduct in protests or demonstrations.
9. To make it clear that as a last resort whatever civil force is necessary will be used to preserve order on the campus and prevent the abuse or destruction of property.

¹Christopher Jencks and David Riesman, "The Academic Revolution in Perspective," Chapter I of The Academic Revolution (Garden City, New York: Doubleday and Company, Inc., 1968), pp. 1-27.

²"Revolution on the Campus," The American Scholar, Vol. 38, No. 4 (Autumn, 1969).

³"Students and Politics," Daedalus: Journal of the American Academy of Arts and Sciences, Vol. 97, No. 1 (Winter, 1968).

⁴William W. Van Alstyne, "The Judicial Trend toward Student Academic Freedom," /1968/, p. 20. (Mimeographed.)

⁵Ibid., pp. 8-20.

⁶James A. Perkins, "The University and Due Process," an address at the annual meeting of the New England Association of Colleges and Secondary Schools in Boston, December 8, 1967, published by the American Council on Education. Reprinted in AGB Reports, X (March, 1968), p. 24.

⁷"An Answer to Cornell's Perkins: AAUP's Byse Upholds Court Role in College Disputes," excerpts from an address on "The University and Due Process: A Somewhat Different View," by Clark Byse at AAUP's annual meeting, The Chronicle of Higher Education, II (May 6, 1968), p. 6.

⁸Van Alstyne, op. cit., p. 9. /Italics added./

⁹"Joint Statement on Rights and Freedoms of Students," reprinted from American Association of University Professors Bulletin (Winter, 1967), p. 365-366. /Italics added./

¹⁰"Test of 'Declaration of Confidence' Made by 35 /Teachers and Administrators/ at Columbia Law School," /mimeographed from/ New York Times, May 17, 1968. p. 3.

11"Bar President Defines Differences in Dissent and Civil Disobedience," excerpts from an address by Earl F. Morris on "American Society and the Rebirth of Civil Obedience," delivered at Syracuse University's College of Law, Higher Education and National Affairs, XVII (April 19, 1968), p. 7. /Italics added./

12"Test of 'Declaration of Confidence' Made by 35 at Columbia Law School," op. cit., p. 1.

13"Special Resolution," adopted by the Council of the American Association of University Professors, October 28, 1967, AAUP Bulletin (Winter, 1967), p. 384.

14"Statement /Policies and Procedures Related to Student Conduct/ Adopted by the North Carolina Board of Higher Education," (Raleigh, North Carolina, October 16, 1968, mimeographed).

CHAPTER VII

TRUSTEES OF PUBLIC COLLEGES AND UNIVERSITIES

While, generally, the roles of trustees of public universities and private colleges and universities are the same, there are some notable differences which can be seen in complexity of control, lines of authority, double status, effects of direct legislation, and the distinctive responsibilities of trustees in public universities.

I. COMPARISON WITH PRIVATE BOARDS

Some of the important differences, but by no means all, between public and private institutions are these:

1. Private boards are vested with more authority for policy-making and management.¹
2. Private boards are more free to experiment, especially in the areas of curriculum and research.
3. Private boards determine the educational purpose of the institution.
4. Private boards usually can assure more continuity in the election of trustees.
5. Private boards tend to be subject to less pressure from their constituencies.
6. Since private colleges look to many sources for income, they are subject to less pressure from any one funding agency.

A 1968 survey by the Board of Higher Education (see Appendix C) indicated that, while in most of the church-related colleges in North Carolina all or a majority of the trustees are elected by the parent body, the North Carolina Baptist State Convention is the only denominational body which through its constitution and by-laws still maintains major control over its institutions of

higher learning. Besides reserving to the Convention the sole power to nominate and elect trustees, the constitution and by-laws expressly forbid change of status, charter change, the borrowing of money, or the acceptance of federal, state, or local tax monies without permission of the Convention.² Controls exercised by the Baptist State Convention, however, over its institutions of higher education do not approach, either in scope or kind, the authority exercised by the General Assembly and the executive branch of state government over the public universities in this state.

II. COMPLEXITY OF CONTROL

Because the General Assembly does exercise considerable power over public universities in North Carolina and because of the numerous and complicated constitutional and statutory provisions for higher education, as well as the large body of indirect legislation which affects these institutions,³ it is important that trustees of public institutions make a special effort to understand what their responsibilities and authorities are, and to what extent and in what manner they are limited.

III. LINES OF AUTHORITY

The constitutional and statutory provisions governing higher education in North Carolina establish three lines of authority: 1) the statutory authority reserved by the General Assembly; 2) the authority delegated by the General Assembly to the boards of trustees; and 3) the regulatory and developmental responsibilities assigned by the General Assembly to the Board of Higher Education and other agencies such as the Advisory Budget Commission, the Department of Administration, the State Personnel Department, and the State Department of Public Instruction. It should also be observed that some of the statutory provisions concerning higher education seem contradictory or ambiguous, if not both.

The broad powers of the Advisory Budget Commission to delete or modify items, particularly in the "B" and "C" budgets, cause the Commission many times to engage in educational policy-making, even though the only intent is to match projected expenditures with anticipated income. Moreover, when fiscal authority and program responsibility are separated, both good fiscal management and long-range planning may be adversely affected.

Two other situations further illustrate the limitations faced by trustees of public universities in North Carolina: trustees cannot set the salaries of institutional presidents, nor can trustees adopt a salary scale for the faculties of their institutions. With the current shortage of teachers, which is likely to continue for the foreseeable future, public university administrators and trustees are sometimes at a serious disadvantage because of this second limitation.

Some of the statutory provisions concerning the powers and duties of trustees at the state's senior institutions are set out in the Appendices. These provisions must, of course, be interpreted in the light of the many statutes that pertain to state agencies in general.

IV. DOUBLE STATUS

The role of the trustee in a public university in North Carolina is further complicated by the fact that senior institutions in this state are both corporations and state agencies.⁴ By statutory provision,⁵ the boards of trustees represent two legal entities. As a corporation, they may sue and be sued, and have been delegated broad discretionary powers, both in regard to property and in regard to the management of the institution. As an agency of the State of North Carolina, the trustees are responsible for seeing to it that both the letter and the spirit of all constitutional and statutory provisions affecting higher education are carried out.

V. EFFECTS OF INDIRECT LEGISLATION

As has been noted, all of the public universities in North Carolina are vitally affected by legislation not related exclusively to higher education. This legislation includes the Teachers' and State Employees' Retirement Act,⁶ the Executive Budget Act,⁷ the Department of Administration Act,⁸ the State Personnel Act,⁹ the State Purchasing Act,¹⁰ and the State Property Control Act.¹¹

Of the legislation mentioned, the Executive Budget Act is perhaps the most significant. It would appear, for example, that the final authority for the expenditure of all budgeted funds is the Director of the State Budget (the Governor), and not the trustees.¹²

VI. DISTINCTIVE RESPONSIBILITIES

In summary, it may be said that because trustees in public universities have special limitations on their powers and responsibilities, they need to know what the lines of authority are, and through what channels the work of their institutions can be most effectively accomplished.

Using these channels does not mean maneuvering and manipulating, nor substituting "popular demand" for sound educational principle. The trustee must not break faith with educators, legislators, or the people of the state. His two main tasks in this respect are interpretation and reconciliation.

Considerable judgment and integrity are required, because trustees of a public university have a responsibility, not only to their institution, but to the state for a balanced and effective system of higher education. The trustee must see his institution, not as a competitor with other institutions in the state system, but as a complementary part of the whole. While he must promote his own institution, he should not do so at the expense of other institutions,

and his principal course should be to see that his university excels in carrying out its distinctive and assigned functions and responsibilities.

¹Rauh, op. cit., p. 89.

²"Questionnaire Concerning Trustees," circulated by North Carolina Board of Higher Education, May, 1968.

³Robert E. Phay, North Carolina Constitutional and Statutory Provisions with Respect to Higher Education (Chapel Hill, North Carolina: Institute of Government, The University of North Carolina, 1968), pp. i-ii.

⁴Ibid., G. S. 116-46 (5) a, p. 39.

⁵Henderson, op. cit., p. 5.

⁶North Carolina General Statutes, Chapter 135.

⁷Ibid., Chapter 143, art. 1.

⁸Ibid., Chapter 143, art. 36.

⁹Ibid., Chapter 143, art. 2.

¹⁰Ibid., Chapter 143, arts. 3 and 3A.

¹¹Ibid., Chapter 146.

¹²Report of the Commission on the Study of the Board of Trustees of the University of North Carolina (Raleigh, North Carolina: Commission on the Study of the Board of Trustees of the University of North Carolina, 1966), p. 31.

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APPENDICES

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Academic Freedom and Tenure

1940 STATEMENT OF PRINCIPLES

In 1940, following a series of joint conferences begun in 1934, representatives of the American Association of University Professors and of the Association of American Colleges agreed upon a restatement of principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure. This restatement, known to the profession as the *1940 Statement of Principles on Academic Freedom and Tenure*, was officially endorsed by the following organizations in the years indicated:

Association of American Colleges	1941	Association of American Geographers	1963
American Association of University Professors	1941	Southern Economic Association	1963
American Library Association (adapted for librarians)	1946	Classical Association of the Middle West and South	1964
Association of American Law Schools	1946	Southwestern Social Science Association	1964
American Political Science Association	1947	Archaeological Institute of America	1964
American Association of Colleges for Teacher Education	1950	Southern Management Association	1964
Association for Higher Education, National Education Association	1950	American Educational Theatre Association	1964
Eastern Psychological Association	1950	South Central Modern Language Association	1964
American Philosophical Association: Western Division	1952	Southwestern Philosophical Society	1964
Eastern Division	1953	Council for the Advancement of Small Colleges	1965
Southern Society for Philosophy and Psychology	1953	Mathematical Association of America	1965
American Psychological Association	1961	Arizona Academy of Science	1965
American Historical Association	1961	American Risk and Insurance Association	1965
Modern Language Association of America	1961	Academy of Management	1965
American Economic Association	1962	American Catholic Historical Association	1966
American Farm Economic Association	1962	American Catholic Philosophical Association	1966
American Philosophical Association, Pacific Division	1962	Association of State Colleges and Universities	1966
Midwest Sociological Society	1963	Association for Education in Journalism	1966
Mississippi Valley Historical Association	1963	Western History Association	1966
American Philological Association	1963	Mountain-Plains Philosophical Conference	1966
American Council of Learned Societies	1963	Society of American Archivists	1966
Speech Association of America	1963	Southeastern Psychological Association	1966
American Sociological Association	1963	American Association for the Advancement of Slavic Studies	1967
Southern Historical Association	1963	American Mathematical Society	1967
American Studies Association	1963	College Theology Society	1967
		Council on Social Work Education	1967

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher² or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom

in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Academic Freedom

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should

¹ Endorsed by predecessor, American Association of Teachers Colleges, in 1941.

² The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

Academic Tenure

(a) After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

INTERPRETATIONS

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7-8, 1940, the following interpretations of the 1940 *Statement of Principles on Academic Freedom and Tenure* were agreed upon:

1. That its operation should not be retroactive.
2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure.
3. If the administration of a college or university feels that a teacher has not observed the admonitions of Paragraph (c) of the section on *Academic Freedom* and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning his fitness for his position, it may proceed to file charges under Paragraph (a) (4) of the section on *Academic Tenure*. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

APPENDIX B

STATEMENT CONCERNING STUDENT UNREST ADOPTED
BY THE NORTH CAROLINA BOARD OF HIGHER EDUCATION
JUNE 26, 1968

Students today are more knowledgeable, more affluent, and more concerned with local, national, and international problems than were their counterparts a few years ago. Recently, students have manifested their concern through actions that have sometimes been orderly, sometimes not.

College students over the nation have in the past few months used extreme means of protest with reference to a variety of institutional conditions, and local, national and international issues. In many of the incidents which have been reported, the trustees and administrations of the institutions apparently had no clear and generally understood policies and procedures. On many campuses committees have been created to reexamine the role of students and faculty in institutional, local, and national affairs--usually after a crisis.

The Board believes that there are two immediate concerns which warrant careful attention and study on each campus in the state.

One concern is related to student participation in institutional government. Not only should students be free to express their views on issues of institutional policy and on matters of general interest to the student body, but meaningful procedures should exist which will assure that their views will actually be considered in the resolution of those issues. The extent to which this latter concern is recognized may do much to minimize the likelihood of the use by students of disorderly means to exercise their otherwise legal right to organize and protest.

Perhaps nothing more challenging faces higher education today than the need to provide mechanisms through which students, faculty, administrators and trustees may all participate in appropriate ways. The Board feels that it is most important for lines of communication to be kept open and that constant attention be given to evaluating the roles of all concerned groups in an educational institution.

The other concern of the Board is that the right of students to organize and to protest be recognized. This right, protected by the Constitution, is a right which should be valued on all campuses out of deep intellectual conviction of its worth. The means of protest, however, are subject to reasonable limits, and where the line must be drawn should be determined before a crisis develops. The Board believes that it should be made clear to the entire academic community that disruption of the educational program and of orderly administrative processes will not be tolerated. The procedures to be followed by those responsible for the institution in the event of illegal or disruptive acts by anyone should be clearly set forth. Policies developed by an institution should be made known to all students and faculty members. It has been the experience of other institutions that stated policies and widely understood procedures assist materially in reducing the number of incidents and their severity.

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Appendix B (continued)
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The Board of Higher Education therefore recommends that each public college and university in North Carolina reexamine its policies and procedures to insure that the concerns of students and faculty can be creatively and constructively channeled in a decision-making process which reflects the appropriate involvement of all who are governed by those decisions.

APPENDIX C

GENERAL CHARACTERISTICS OF BOARDS OF TRUSTEES OF PRIVATE
SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

The 1968 survey of the North Carolina Board of Higher Education indicates the following general facts concerning private senior colleges and universities (23 of 28 private senior institutions participated in the survey):

The sizes of the boards range from six to 49 members, with the average being 30.

The average length of term of members of those institutions reporting is four years.

Five of the 23 institutions returning the questionnaire indicated that the membership of their boards is restricted to North Carolina residents.

Of the 23 private senior colleges and universities reporting, 22 reported that either all or a majority of the trustees are elected by the parent body.

Twenty reported executive committees ranging in size from five to 11, and two reported that they do not have an executive committee.

The method of electing the executive committee varies considerably. Two colleges did not answer this question. Three reported that the executive committee is appointed by the president or chairman of the board. One reported that the executive committee is named by the president. Three reported that executive committee membership is composed of the chairmen of sub-committees. Fourteen reported that the executive committee is elected by the board.

Six of the institutions reported advisory boards, ranging in size from 15 to 150 members.

General conclusions: The survey of the Board of Higher Education reveals that the boards of trustees of private senior colleges and universities, consisting on the average of 30 members, are well organized, having both executive committees and sub-committees. Only one reported a self-perpetuating board. In the case of the other 22 colleges and universities, all or a majority of the trustees are elected by the parent body.

Baptists and Catholics, more so than others among the denominational groups, still exercise considerable control over their institutions.

TABLE I
GENERAL CHARACTERISTICS OF THE BOARDS OF TRUSTEES
OF PRIVATE SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

Institution	Number of Trustees	Length of Term	Membership Restricted to N.C.?	If not, what % are out-of-state?	Method of Election	Number on Executive Committee	Method of Election	Number of Committees	Advisory Board?	Meetings per year?
Atlantic Christian	39	3	No	No limit	Members, except alumni representatives, must be nominated by the Board, elected by General Assembly of Christian Church in North Carolina	8	By Board, upon nomination by Nominating Committee of the Board	5	No	-
Barber-Scotia	21	3	No	20%	Board of National Missions of the United Presbyterian Church, USA	5	Appointed by President of the Board	0	No	-
Belmont Abbey	6	*	No	Any No.	By sponsoring body	None		0	Yes (35)	2
Bennett	27	3	No	Any no.	One-third of Board nominated by Bd. of Educ. of Meth. Ch., 1/3 nominated by Women's Div., Bd. of Missions, 1/3 nominated-at-large by Board		On recommendation of Nominating Committee	4	No	-
Campbell	30	4	Yes		Baptist State Convention	13	Membership composed of chairmen of committees	11	No	-
Catawba	27	6	No	Any No.	3 by the Catawba Alumni Assoc., 12 by Southern Conf. of United Ch. of Christ, 12 by members of the Board	7	Appointed by the President	6	No	-
Davidson	49		No	Any No.	Majority elected by various Presbyteries	10	Composed of chairmanships of committees	9	Yes (35)	1
Duke	36	6	No	Any No.	Nominated by Bd. of Trustees, N.C. Conf. of Meth. Ch., the Western N.C. Conf., and Alumni (each elect 12)	11	By Board of Trustees	6	No	-
					*From one year to indefinite					-

TABLE I
GENERAL CHARACTERISTICS OF THE BOARDS OF TRUSTEES
OF PRIVATE SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

Institution	Number of Trustees	Length of Term	Membership Restricted to N.C.?	If not, what % are out-of-state?	Method of Election	Number on Executive Committee	Method of Election	Number of Committees	Advisory Board?	Meetings per year?
Elon	36	2	No	Any No.	By the Board; nominees approved by the Board of Directors of the Church Conf.	8	Composed of Chairman and Secretary of Board, chairmen of three standing committees	3	*	
Greensboro	32	3	No	Any No.	Nominated by the Board and elected by the two N.C. Annual Conferences	6	By Board or by appointment of chairman	6	No	-
Guilford	18	6	No	Any No.	Self electing	0		6	Yes (35)	2
High Point	30	4	No	Any No.	Nominated by the Board and elected by the two N.C. Annual Conferences	8	By Board at Annual Meeting	6	No	-
Lenoir Rhyne	24	3	No		By annual convention of Lutheran Synod of North Carolina (but trustees must hold membership in N.C. Lutheran Congregation)	8	By Board of Trustees	7	Yes (22)	2
Mars Hill	28	4	Yes		Nominated by President to Committee of N.C. Baptist State Convention	8	Appointed by chairman of Board	5	Yes (52)	2
Meredith	30	4	Yes		By Baptist State Convention	7 to 11	By Board of Trustees	4	No	-
Methodist	28	4	No	Any No.	Elected by Annual Conference of Methodist Church on nomination of Board of Trustees	9	Nominated by chairman and elected by Board of Trustees	6	No	-

*Elon College is in the process of selecting an Advisory Board of younger persons, members who have no specific duties. It will be mainly a program of training and education preparatory to service on the Board of Trustees.

TABLE I
GENERAL CHARACTERISTICS OF THE BOARDS OF TRUSTEES
OF PRIVATE SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

Institution	Number of Trustees	Length of Term	Membership Restricted to N.C.?	If not, what % are out-of-state?	Method of Election	Number on Executive Committee	Method of Election	Number of Committees	Advisory Board?	Meetings per year?
Wesleyan	30	4	No	Any No.	Nominated by Board of Trustees, elected by N.C. Annual Conference of Methodist Church	7	By Board at Annual Meeting	8	No	
Pfeiffer	36	4	No	Any No.	Nominated by Board of Trustees, elected by Western N.C. Meth. Conf.	11	By Board	9	No	
Queens	264 *		No	33%	Ten elected by Presbyterian Synod of N.C., Board nominated eight elected by Presbyterian Synod of S.C., Board nominates eight elected by Board	9	Appointed by Chairman of Board	7	Yes (15)	2
Sacred Heart	12	3	No		Approved by sponsoring body	5-7	By members of Board	4	Yes (30)	2
St. Andrews	36	3	Yes		By Synod of North Carolina	11	By the Board	7	Yes (150)	1
Salem	33	Varies	Any No.		By Synod of Moravian Church--elects 20 for 3-yr. term, subject to re-election for total of 9 years	7	By Board, although chairman of standing committees are members	4	No	
Wake Forest	36	4	Yes		By Baptist State Convention of North Carolina	11	Chairman and V-Chairman automatically members. Other nine members nominated by Chairman and elected by Board.	11	Yes (35)	

*Queens -- Length of terms--eighteen limited to two four-year terms, eight permitted indefinite succession of four-year terms.

APPENDIX D

GENERAL CHARACTERISTICS OF THE BOARDS OF TRUSTEES
OF PUBLIC SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

The number of trustees of public colleges and universities in North Carolina is fixed by law. The University of North Carolina has 100 trustees. All other colleges and regional universities have 12 trustees.

All institutions have executive committees which range in size from four to 15 members. The average membership is six. The method by which the membership of the executive committee is determined varies greatly. In six institutions the executive committee is appointed by the chairman of the board, in three institutions it is elected by the board, and in one institution the general officers of the board of trustees constitute the executive committee. One institution has a special situation: on its executive committee of only four members, the chairman and vice-chairman serve automatically, and the other two are appointed annually by the chairman.

The survey also indicated that there is wide variety among boards in the number of meetings held, ranging from two to 12 each year. Boards of trustees of public colleges and universities in North Carolina average four meetings each year.

Only two institutions reported boards of advisors, with a membership of 16 and 11 respectively.

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TABLE II
GENERAL CHARACTERISTICS OF THE BOARDS OF TRUSTEES
OF PUBLIC SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

Institution	Number on Exec. Com.	Method of Election	No. of Board meetings annually	No. of Committees	Advisory Board?	Number of Members	Duties
University of North Carolina	15	By membership of Board of Trustees for terms of six years	3	12	No		Note: Many Boards that guide Foundations and act in advisory capacities to professional schools, etc.
N.C. Agricultural & Tech. State U.	6	Appointed by Chairman	2	7	No		
Appalachian	5	Appointed by Chairman	6	1	Yes	16	Meets semi-annually. Supplements efforts of Trustees and the President toward enhancing the stature of Appalachian.
East Carolina	4	Two appointed annually by Chairman of the Board; Chairman and V-Chairman are both members	2	3	No		
North Carolina Central	5	Elected by Board Members	2	3	No		
N.C. School of the Arts	4	Appointed by Chairman	4	8	Yes	11	No regularly scheduled meetings. To advise in their respective fields, when called upon.
Pembroke	6	By the Board	2		No		
Winston-Salem	5	Principal officers of Board of Trustees are members of the Executive Committee	2	4	No		

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TABLE II
GENERAL CHARACTERISTICS OF THE BOARDS OF TRUSTEES
OF PUBLIC SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

Institution	Number on Exec. Com.	Method of Election	No. of Board meetings an- nually	No. of Com- mittees	Advisory Board?	Number of Members	Duties
Western Carolina	5	Appointed by Chairman	2 to 4	2	No		

APPENDIX E

GENERAL CHARACTERISTICS OF THE BOARDS OF TRUSTEES
OF PRIVATE JUNIOR COLLEGES IN NORTH CAROLINA

As might be expected, the characteristics of the private junior colleges of North Carolina closely parallel those of the private senior colleges and universities. Twelve of the 14 private junior colleges participated in this survey.

The boards of trustees of these institutions range in size from 12 to 56 members, with an average of 28. The average term is four years.

The method of election of trustees varies greatly in private junior colleges in North Carolina. In six institutions all trustees are elected by the denomination. Two institutions have self-perpetuating boards. In two a majority of the trustees are elected by the denomination, and in one case the trustees elect a majority of eight while the denomination elects five and the alumni two. One institution has trustees nominated by the board and elected by a single church.

The boards of trustees in two of the private junior colleges have no executive committee. Ten have executive committees ranging in size from five to 15 members, with the average size being 10.

In five institutions the executive committee is elected by the board, in three the executive committee is appointed by the chairman, and in two the executive committee is composed of officers of the board and chairmen of the standing committees. (One of these latter two includes the president of the college on the executive committee).

The number of board committees varies from none to 10. Two private junior colleges reported that they have no standing committees, and eight reported advisory boards ranging in size from 21 to 60. Four indicated that they do not have advisory boards.

TABLE III
GENERAL CHARACTERISTICS OF THE BOARDS OF TRUSTEES
OF PRIVATE JUNIOR COLLEGES IN NORTH CAROLINA

Institution	Number of Trustees	Length of Term	Membership Restricted to N.C.?	If not, what % are out-of-state?	Method of Election	Number on Executive Committee	Method of Election	Number of Committees	Advisory Board?	Meetings per year?
Brevard	49	6	No		Nominated by Board of Trustees and submitted to Western N.C. Conference for approval	15	Consists of Chairman of Board, President of College, Secretary of Board, chairmen of all standing committees and immediate past Chairman of the Board, Vice-Chairman of the Board	10	No	
Chowan	28	4	Yes		North Carolina Baptist State Conv.	9	By Board of Trustees	1	Yes 2 (26)	
Gardner-Webb	28	4	Yes		North Carolina Baptist State Conv.	11	By Board of Trustees	6	Yes 2 (60)	
Kittrell	23 1 & 3	3	No	75%	16 elected by A.M.E. Church and 7 members-at-large are elected by Trustee Board	5	By Trustees	4	No	
Lees-McRae	12	4	No	Any no.	3 by Board, 8 by Presbytery, 1 by Alumni	0		4	No	
Mitchell	30	6	No	Any no.	Self-perpetuating	5	Appointed by Chairman of Board	3	No	
Montreat-Anderson	56	3	No	Any no.	Church Court	15	By Board of Trustees	5	Yes 1	
Mount Olive	18	6	No		By the Free Will Baptist State Convention of N.C.	6	By Board of Directors	0	Yes (21)	

TABLE III

Institution	Number of Trustees	Length of Term	Membership Restricted to N.C.?	If not, what % are out-of-state?	Method of Election	Number on Executive Committee	Method of Election	Number of Committees	Advisory Board?	Meetings per year?
Peace	30 to 39	3 to 9	No		Nomination by Board; election by Session of First Presbyterian Church, Raleigh	15	Appointed by chairman	9	Yes 1 (50)	
St. Mary's	15 *	*	No	**	Eight are elected by the Board, five are elected one each by the Diocesan Conventions of North and South Carolina, and two by the Alumnae Association	0		2	Yes *** (30)	
Vardell Hall	24 3	3	No	Any no.	By vote of Board of Trustees after nomination by Nominating Committee	6	Elected officers of the Board are members. Committee chairmen appointed.	2	Yes 1 (28)	
Wingate	28 4	4	Yes		Baptist State Convention of N.C.	9 to 11	Appointed by Chairman of Board	6	Yes 2 (28)	
* St. Mary's--	Length of Terms--8 members for 10 years, 5 members for 5 years from Diocese, 2 members for 3 years from Alumnae;									
** St. Mary's--	No restriction except the three that must be elected by N. C. Diocese.									
*** St. Mary's--	The Advisory Board is a new development. It is not to exceed 30 in number but number of meetings has not been decided upon.									

APPENDIX F

BOARD MEMBERSHIP RESTRICTION, DENOMINATIONAL CONTROL, AND
STANDING COMMITTEES OF PRIVATE SENIOR COLLEGES AND UNIVERSITIES
IN NORTH CAROLINA

Nine institutions report that board membership is restricted to the parent body. These included four Baptist institutions, one Catholic, one United Church of Christ, one Quaker, and one Lutheran. Thirteen institutions reported no restrictions.

Only five of the 23 senior colleges and universities report that complete control of their institutions is in the hands of the boards of trustees. The others are to some degree limited, either through their charters or bylaws, or through the constitution and bylaws of the denominations themselves. There is also evidence that some of the administrators who filled out the questionnaire were not altogether familiar with the constitutional provisions for higher education within their own denominations.

Only two of the 23 institutions replying to the questionnaire indicated no standing committees within their boards.

TABLE IV
BOARD MEMBERSHIP RESTRICTION, DENOMINATIONAL CONTROL, AND
STANDING COMMITTEES OF PRIVATE SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

Institution	Membership Restricted to Parent Body?	Denominational Control through Constitution and By-Laws	Standing Committees
Atlantic Christian	No	Charter vests full responsibility for operation of College in Board of Trustees	Development; Education; Finance; Nominating and Joint Faculty-Trustee Honorary Degree Committees meet just once yearly
Barber-Scotia	No	Owned and operated by Board of National Missions of United Presbyterian Church, USA	
Belmont Abbey	Yes	Charter and By-Laws of the College must be interpreted without prejudice to the laws and regulations of Church Canon Law or of the constitution and statutes of the religious order; the American Cassinese Congregation of the order of St. Benedict.	
Bennett	No	One-third of Board nominated by Woman's Division, Board of Missions, Methodist Church; one-third nominated-at-large by the Board.	Budget and Finance Committee; Investment; Faculty; Buildings and Grounds.
Campbell	Yes	Charter of the college and constitution of the Convention provides for ownership by the Convention.	Audit; Building and Grounds; Future Policies, Academic; Future Policies, Administrative; Finance and Budget; Investments; Promotions and Public Relations; Religious Activities.
Catawba	No	Board of Trustees have complete authority.	Finance and Budget; Audit; Building and Grounds; Development and Expansion; Instruction; Nomination.

TABLE IV
BOARD MEMBERSHIP RESTRICTION, DENOMINATIONAL CONTROL, AND
STANDING COMMITTEES OF PRIVATE SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

Institution	Membership Restricted to Parent Body?	Denominational Control through Constitution and By-Laws	Standing Committees
Davidson	No	Examination of Charter and By-Laws indicates full responsibility for operation of the College is vested in its Board of Trustees.	Finance; Buildings and Grounds; Education; Student Health; Physical Education and Athletics; Religious Life and Community Church Relations; Campus and Social Life; Alumni; Church and Public Relationships.
Duke	No	Duke is non-denominational, although there is a Methodist Seminary at Duke.	University; Institutional Advancement; Building and Grounds.
Elon	Yes	2/3 of the trustees must be members of the denomination. Nominees for election to the Board of Trustees must have the approval of the Board of Directors of the Southern Conference of the United Church of Christ.	Education; Business; Development.
Greensboro	No	8 Trustees confirmed by Western N.C. Conf., 8 by N.C. Conf., 8 Trustees at Large confirmed by both Conferences and 8 confirmed by Alumni Assoc.	Buildings & Grounds; Government; Instruction; Library; Development; Nominations
Guilford	Yes	Trustees must be Quakers, no other denominational tie	Finance and Investments; Budget and Auditing; Teachers and Officers; Buildings and Grounds; Promotion and Development; Yearly Meeting Relations.
High Point	No	While Charter reserves certain privileges and powers to the Board of Education of the Methodist Church, Bd. of Trustees has full responsibility for operation of College.	Building and Grounds; Faculty; Finance; Endowment; Honorary Degrees; Nominations.
Lenoir Rhyne	Yes	"The number of members of the Board of Trustees, their terms of office, and the method of their election shall be provided for in the by-laws of the N. C. Synod of the Lutheran Church in America."	Promotion and Development; Student Welfare; Instruction; Buildings and Grounds; Budget; Audit; Nominations.

TABLE IV

BOARD MEMBERSHIP RESTRICTION, DENOMINATIONAL CONTROL, AND
STANDING COMMITTEES OF PRIVATE SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

Institution	Membership Restricted to Parent Body?	Denominational Control through Constitution and By-Laws	Standing Committees
Mars Hill	Yes	Trustees have full control although the trustees can be replaced (removed) by action of the Convention.	Finance; Buildings and Grounds; Public Relations; Christian Life; Athletics.
Meredith	Yes	The Charter and By-Laws of Meredith (by Board of Trustees) and (responsible to Baptist State Convention for operation of Meredith in accordance with Baptist principles; report of work done and undertaken to be made to the Convention; no change of policy before approved by the Convention)	Finance; Development; Academic Program; Buildings & Grounds.
Methodist	No	Approval of trustees and changes in charter by the Annual Conference of the Methodist Church.	Finance; Academic Affairs; Student Affairs; Buildings and Grounds; Development; Nominating.
North Carolina Wesleyan	No	Of the trustees, one-fourth shall be Methodist Ministers; three-fourths shall be Methodist; one-fourth may be other than Methodist.	Building and Grounds; Finance and Audit; Investments; Nominating; Education; Memorials; Public Relations and Development; Insurance.
Pfeiffer	No	None, other than election of Board members (by Western N.C. Methodist Conf.)	Executive; Buildings and Grounds; Faculty and Academic Affairs; Finance; Honorary Degrees; Insurance; Investments; Nominating; Student Life and Activities.

TABLE IV
BOARD MEMBERSHIP RESTRICTION, DENOMINATIONAL CONTROL, AND
STANDING COMMITTEES OF PRIVATE SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

Institution	Membership Restricted to Parent Body?	Denominational Control through Constitution and By-Laws	Standing Committees
Queens	No	Queens is owned jointly by the Presbyterian Synods of North and South Carolina. These bodies elect trustees who must be members in good standing of some evangelical Protestant church.	Building; Plans and Policies; Executive; Finance; Buildings and Grounds; Nominating; Alumnae.
Sacred Heart	No	One-third members are denominational	Academic Affairs; Finance; Development; Public Relations.
St. Andrews	Yes	The College is owned and operated by a Board of Trustees elected by the Synod of North Carolina.	Educational Policies; Development; Building and Grounds; Investment and Finance; Memorials; Admissions and Student Life.
Salem	No	By-Laws vest full responsibility for operation of College in Board of Trustees.	Executive; Finance; Buildings and Grounds; Academy.
Wake Forest	Yes	"The affairs of the corporation shall be administered by a Board of Trustees elected by the Baptist State Convention of N.C. or its successor organization. The Board of Trustees shall operate Wake Forest University as an agency of the Baptist State Convention of N.C. and in accordance with policies adopted by the Convention, and it shall report to the Convention as often as may be required on all work done and undertaken."	Buildings and Grounds; Executive; Investments; Budget; Audit; Nominating of Trustees (to the Convention Nominating Comm.); Athletics; and a committee for each academic division: Law; Medicine; Arts and Sciences; and Business Administration.

APPENDIX G

BOARD MEMBERSHIP RESTRICTION, DENOMINATIONAL CONTROL, AND
STANDING COMMITTEES OF PRIVATE JUNIOR COLLEGES IN NORTH CAROLINA

Only three of the private junior colleges reported that board membership is restricted to the parent denomination, six indicated that there are no restrictions on board membership, and two did not answer this question.

Five institutions reported that their trustees exercise complete control, two did not reply, and four reported some denominational control.

Only one college reported no standing committees within the board.

TABLE V
BOARD MEMBERSHIP RESTRICTION, DENOMINATIONAL CONTROL, AND
STANDING COMMITTEES OF PRIVATE JUNIOR COLLEGES IN NORTH CAROLINA

Institution	Membership Restricted to Parent Body?	Denominational Control through Constitution and By-Laws	Standing Committees
Brevard	No	"All powers of the College shall be vested in a Board of Trustees consisting of fifty-three members." They are elected by the Western N.C. Conference of the Meth. Ch.	Buildings and Grounds; Faculty and Courses of Instruction; Endowment Funds; Nominations; Athletic; Publicity and Publications; Religious Activities; Finance; Library; Scholarships.
Chowan	Yes	There must be a constitutional provision in the charter of our Board of Trustees in conformity with requirements of the Baptist State Convention of North Carolina. Has to do primarily with question of ownership and/or sale of the campus.	Endowment.
Gardner-Webb	Yes	The election of trustees and non-participation in federal grants.	Executive; Finance; Public Relations; Curriculum, Tone and Character; Property.
Kittrell	No	Full responsibility given to Board of Trustees.	Executive; Finance; Instruction and Faculty Welfare; Buildings and Grounds.
Lees-McRae	No	No reply.	Faculty and Academic; Admissions and Student Program; Finance and Development.
Mitchell	No	"The college shall be governed and controlled by a board of directors which shall be officially entitled the Board of Trustees of Mitchell College."	Finance; Development; By-Laws.
Montreat-Anderson		Charter indicates Board of Trustees is the Governing Body.	Education; Building and Grounds; Finance; Student and Alumni Affairs; Development.

TABLE V
BOARD MEMBERSHIP RESTRICTION, DENOMINATIONAL CONTROL, AND
STANDING COMMITTEES OF PRIVATE JUNIOR COLLEGES IN NORTH CAROLINA

Institution	Membership Restricted to Parent Body?	Denominational Control through Constitution and By-Laws	Standing Committees
Peace	No	The church elects trustees and must approve sale of real estate (or mortgage of same).	Finance; Grounds; Alumnae; Building; Church Relations; Education Program; Program; Maintenance; Wills-Bequests-Memorials.
St. Mary's	No	The college's own Charter and the By-Laws established by the Board of Trustees.	Finance; Pension Fund;
Vardell Hall		Not church-related.	None
Wingate	Yes	Those relating to the election of Trustees.	Building and Grounds; Fiscal Affairs; Student Life; Trustee Scholarship; Academic; Investment.

APPENDIX H

STANDING COMMITTEES OF PUBLIC
SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

The number of standing committees within the boards of trustees of the public colleges and universities in North Carolina shows considerable variation. Only two institutions reported no standing committees. The committees most frequently mentioned are buildings and grounds and finance.

Committees which deal directly with trustee-faculty and trustee-student relationships and long-range planning on the whole are noticeably absent.

TABLE VI
STANDING COMMITTEES OF PUBLIC
SENIOR COLLEGES AND UNIVERSITIES IN NORTH CAROLINA

Institution	Standing Committees
University of North Carolina	Executive; Admissions Advisory; Building (one for each campus); Finance; O. Max Gardner Award; Health Affairs; Honorary Degrees; Memorials and Naming Buildings; Nominations; Use and Disposition of Real Estate; University Development; Visiting.
North Carolina Agricultural and Technical State University	Buildings and Grounds; Faculty and Personnel; Agricultural Education; Finance and Legislation; Technical Education; Graduate School; Nursing School.
Appalachian State University	Land and Buildings.
Asheville-Biltmore College	Buildings and Grounds; Educational and Personnel Policies; Finance and Institutional Development.
East Carolina University	Budget-Building; Endowment; Property.
North Carolina College at Durham	Investment; Trustee-Faculty Relations; Building.
North Carolina School of the Arts	General Educational Policy; Campus Activities and School Rules and Regulations; New Building Plans and Care and Development of Present Plant; Faculty and Other Salaries and Conditions of Employment; Public Performance; Finance; Nominating; Gifts to School.
Pembroke State College	None given.
Winston-Salem State College	Finance; Curriculum and Faculty; Building; Personnel.
Wilmington College	Finance; Building and Grounds; Ground Beautification; Student Activity; Public Relations; Lecture; Endowment; Scholarship.
Western Carolina University	None given.

STATEMENT OF UNIVERSITY POLICY
(Adopted 10/27/69 Board of Trustees)

The following statement was adopted by the Executive Committee of the Board of Trustees of the University of North Carolina on July 7, 1969 and amended on September 12, 1969. Although drafted in the form of amendments to the By-Laws of the Board of Trustees, it should be emphasized that the Executive Committee is not empowered to amend the By-Laws. Thus, the statement was adopted as a definition of University policy on the subject of disruption and discipline.

A RESOLUTION AMENDING THE BY-LAWS OF THE BOARD OF TRUSTEES
TO PROVIDE FOR HANDLING THE OFFENSE OF DISRUPTION OF THE
EDUCATIONAL PROCESS AND OTHER ACTIVITIES OF THE UNIVERSITY
AND CLARIFYING RESPONSIBILITY FOR STUDENT DISCIPLINE

Be it resolved by the Board of Trustees of the University of North Carolina:

Section 1. The By-Laws of the Board of Trustees are amended by adding a new Chapter "V" thereto to be entitled "Emergency Disciplinary Procedure in Cases of Disruption in the Educational Process" which shall contain the following provisions:

SECTION 5-1. DEFINITION OF DISRUPTIVE CONDUCT

The University of North Carolina has long honored the right of free discussion and expression, peaceful picketing and demonstrations, the right to petition and peaceably to assemble. That these rights are a part of the fabric of this institution is not questioned. They must remain secure. It is equally clear, however, that in a community of learning willful disruption of the educational process, destruction of property, and interference with the rights of other members of the community cannot be tolerated.

(a) Any student, faculty member (including full-time or part-time instructor), or employee who willfully by use of violence, force, coercion, threat, intimidation or fear, obstructs, disrupts or attempts to obstruct or disrupt, the normal operations or functions of any of the component institutions of the University, or who

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advises, procures, or incites others to do so, shall be subject to suspension, expulsion, discharge, or dismissal from the University. The following, while not intended to be exclusive, illustrate the offenses encompassed herein: occupation of any University building or part thereof with intent to deprive others of its use; blocking the entrance or exit of any University building or corridor or room therein; setting fire to or by any other means substantially damaging any University building or property, or the property of others on University premises; except as necessary for law enforcement, any display of or attempt or threat to use firearms or explosives or, for the purpose of intimidating, other weapons, in any University building or on any University campus; prevention of the convening, continuation or orderly conduct of any University class or activity or of any lawful meeting or assembly in any University building or on any University campus; inciting or organizing attempts to prevent student attendance at classes; and, except with the permission of the Chancellor, blocking normal pedestrian or vehicular traffic on any University campus.

(b) Any faculty member (including any full-time or part-time instructor) who, with intent to obstruct or disrupt the normal operations or functions of any of the component institutions of the University, willfully fails or refuses to carry out validly

assigned duties shall be subject to discharge.

SECTION 5-2. RESPONSIBILITY OF CHANCELLOR.

(a) The Chancellor or his representatives shall have a duty to identify persons who violate the provisions of Section 5-1 (a) or (b) and promptly report their names to the President. In any such instance the Chancellor or his representative shall marshal the evidence, and the Chancellor shall report it to the President in writing.

(b) The Chancellor or his representative may recommend to the President that injunctive relief be sought from the courts to prevent occurrence, continuation, or recurrence of a violation of Section 5-1 (a).

SECTION 5-3. RESPONSIBILITY OF THE PRESIDENT.

When it appears that there is a violation of Section 5-1 (a) or (b), it shall be the duty of the President, and he is fully authorized to act, to take all steps which he deems advisable to protect the best interest of the University of North Carolina, and any of its component institutions, and to see that its Rules, Regulations and Policies are enforced. He shall insure that any person or persons found guilty after proper hearing shall be disciplined in such manner as may be warranted.

In carrying out these duties, the President may call upon any Chancellor, member of the University Administration, or member of the Faculty, and he may call upon an agency of a component institution created to deal with cases arising under

Section 5-1 of these By-Laws. Conviction in any State or Federal Court shall not preclude the University from exercising its disciplinary authority in any offense under this or any other section of the By-Laws.

SECTION 5-4. RESPONSIBILITY OF THE TRUSTEES.

The Trustees recognize that by statute they have the power to make such rules and regulations for the management of the University as they may deem necessary and expedient, not inconsistent with the constitution and laws of the State. While the Trustees fully appreciate their obligation in this respect, they further recognize that in dealing with those offenses against the University defined in Section 5-1 (a) and (b) hereof, they must impose the duty and authority of enforcing the policies set forth herein in the principal Executive Officer of the University - the President. It will be the responsibility of the Trustees to furnish all possible assistance to the President when requested by him.

SECTION 5-5. NO AMNESTY

No administrative official, faculty member, student, or employee of the University shall have authority to grant amnesty or to make any promise as to prosecution or non-prosecution in any court, state or federal, or before any student, faculty, administrative, or Trustee committee to any person charged with or suspected of violating Section 5-1 (a) or (b) of these By-Laws.

SECTION 5-6. PUBLICATION.

The text of Sections 5-1 through 5-5 of these By-Laws shall be printed in the official catalogues of each component institution of the University.

Section 2. Section 4-3 of the By-Laws of the Board of Trustees is amended by adding a new subsection thereto as follows:

(j) In cases in which a faculty member is charged with violating Section 5-1 of these By-Laws, the provisions of Section 4-3 shall be subordinate to the provisions of Sections 5-2 through 5-5.

Section 3. Subsection (a) of Section 3-3 of the By-Laws of the Board of Trustees is amended by rewriting the third paragraph thereof to read as follows:

Subject to the provisions of Sections 5-1 through 5-5 of these By-Laws, it shall be the duty of the Chancellor in each of the component institutions to exercise full authority in the regulation of student conduct and in matters of student discipline in that institution. In the discharge of this duty, delegation of such authority may be made by the Chancellor to faculty committees and to administrative or other officers of the institution, or to agencies of student government, in such manner and to such extent as may by the Chancellor be deemed necessary and expedient; provided, that in the discharge of this duty it shall be the duty of the Chancellor to secure to every student the right of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and

to face witnesses testifying against him, and the right to such advice and assistance in his own defense as may be allowable under the regulations of the institution as approved by the Chancellor. In those instances where the denial of any of these rights is alleged, it shall be the duty of the President to review the proceedings.

Section 4. Section 3-3 of the By-Laws of the Board of Trustees is further amended by adding a new subsection thereto as follows:

(b) Firearms and Other Weapons Prohibited.

The possession of bowie knives, dirks, daggers, loaded canes, sword canes, machetes, pistols, rifles, repeating rifles, shotguns, pump guns, or other firearms or explosives upon any University campus or in any University owned or operated facility, unless explicitly permitted by the appropriate Chancellor or his designated representative in writing, is forbidden. Violation of this prohibition constitutes grounds for suspension from the University.

The text of the preceding paragraph of Section 3-3 (b) of these By-Laws shall be printed in the official catalogues of each component institution of the University.

Section 5. The policy and procedure prescribed in Section 1 and Section 2 of this resolution shall be reviewed by the Executive Committee and the University administration one year following its adoption.

Section 6. This resolution shall be in full force and effect from and after its adoption by the Board of Trustees of the University of North Carolina.

APPENDIX L

SOME PRINCIPAL STATUTES PERTAINING TO THE NORTH
CAROLINA BOARD OF HIGHER EDUCATION

§ 116-154. **Creation and purpose.**—There is hereby created the North Carolina Board of Higher Education. The purpose of the Board shall be, through the exercise of the powers and performance of the duties set forth in this article, to plan and promote the development of a sound, vigorous, progressive, and co-ordinated system of higher education in the State of North Carolina. In pursuit of this objective the Board will seek the cooperation of all the institutions of higher education and of other educational agencies in planning a system of higher education that will serve all the higher educational needs of the State and that will encourage a high standard of excellence in all institutions composing the system, each operating under the direction of its own board of trustees in the performance of the functions assigned to it. (1955, c. 1186, s. 1; 1959, c. 326, s. 1.)

§ 116-155. **Definitions.**—As used herein:

"Board" refers to the North Carolina Board of Higher Education.

"Higher education" refers to all educational and instructional curricula and services in the university system and the senior colleges.

"Institutions of higher education" and "such institutions" refer to all senior institutions of higher education now existing or hereafter established supported wholly or in part by direct appropriations of the North Carolina General Assembly.

"Senior colleges" refers to all State supported four-year colleges, except the university system. (1955, c. 1186, s. 2; 1965, c. 1096, s. 1.)

§ 116-156. **Membership; appointment, term and qualifications; vacancies.**—The Board shall consist of twenty-two citizens of North Carolina, one of whom shall be a member of the State Board of Education to be appointed by the Governor, eight of whom shall be appointed by the Governor to represent the public at large, but none of whom shall be officers or employees of the State, or officers, employees or trustees of the institutions of higher education, four of whom shall be selected by the boards of trustees of state-supported senior colleges, and two of whom shall be selected by the board of trustees of the University, provided, no trustee member shall be a member of the General Assembly. The Governor shall serve ex officio as a member and as chairman of the Board. The six persons who are the chairmen of the committees on appropriations, finance and higher education in the Senate and House of Representatives shall serve ex officio as members of the

Board. The four senior colleges, whose trustees shall select one of their members as a Board member to serve for a two-year term, shall be selected by the Governor in such order of rotation as he may choose every two years; provided, that the right of selection of such Board member shall be rotated among all institutions equally.

Members of the Board other than the six selected by the trustees of institutions and the ex officio members shall be appointed by the Governor for terms of six years, except that of the first Board appointed, three members shall serve for two years, three shall serve for four years and three for six years. Terms of all members of the first Board so selected shall commence July 1, 1965. The term of each of the six ex officio members from the General Assembly shall commence with his appointment to the committee chairmanship and shall continue until his successor as committee chairman has been appointed.

All memberships, except ex officio memberships, shall be subject to confirmation by the House of Representatives and the Senate in joint session assembled. The Governor shall forward all appointments to the General Assembly before the

fortieth legislative day of each regular session. The Governor shall, without such confirmation, appoint members to fill vacancies for unexpired terms.

Appointees to the Board shall be selected for their interest in and ability to contribute to the fulfillment of the purpose of the Board. All members of the Board shall be deemed members-at-large, charged with the responsibility of serving the best interests of the whole State. (1955, c. 1186, s. 3; 1965, c. 1096, s. 2; 1969, c. 400, s. 1.)

§ 116-157. Vice-chairman and secretary. — The Board shall elect annually from among its members a vice-chairman and a secretary. (1955, c. 1186, s. 4; 1969, c. 400, s. 2.)

§ 116-158. Powers and duties generally.

- (1) The primary function of the Board of Higher Education shall be to plan and coordinate the major educational functions and activities of higher education in the State and to allot the functions and activities of the institutions of higher education in addition to the purposes specified in articles 1 and 2 of chapter 116 of the General Statutes. No public senior educational institution shall request from the General Assembly, the Advisory Budget Commission or any other State agency approval of, or funding for, any new degree program or educational function or activity until the same has been approved by the board of trustees of the institution and acted upon, in accordance with regularly established procedures, by the Board of Higher Education. The Board shall give the Governor, the General Assembly and the various institutions advice on higher education policy and problems.
(1969, c. 532, s. 3.)
- (2) In carrying out the duties prescribed in subdivision (1) hereof and subject thereto, the Board shall determine the types of degrees which shall be granted by each of such institutions.
- (3) The Board shall cause to be made such visits to the institutions as it shall deem necessary and proper in the performance of its duties.
- (4) The Board shall prescribe uniform statistical reporting practices and policies to be followed by such institutions where it finds such uniformity will promote the purpose of the Board.
- (5) Subject to the provisions of subdivision (1), all institutions included in the State System of Higher Education shall conform to the educational functions and activities assigned to them respectively; provided, that the Board shall not require any institution to abandon or discontinue any existing educational functions or activities, if, after notice and hearing, the institution is not in agreement with the decision of the Board, until such decision is first recommended to any approved by the General Assembly.
- (6) Each institution shall furnish the Board a copy of its biennial budget requests and related data at the same time said requests are furnished to the Advisory Budget Commission. The Board shall review the institutional budget requests to determine whether the same are consistent with the primary purposes of the institution and with the functions and activities allocated to the institution by statute or by the Board. The Board shall concentrate on broad fiscal policy and avoid a line-by-line detailed review of budget requests. The Board shall advise the Advisory Budget Commission and the institution of any budget requests inconsistent with the purposes and allocated functions and activities.
- (7) Any requests of an institution for transfers and changes as between objects and items in the approved budget of such institution and involving the establishment of new educational functions or activities shall be submitted to the Board of Higher Education for review to determine the compatibility of the request with the assigned functions of the respective institution.

- (8) The Board shall possess such powers as are necessary and proper for the exercise of the foregoing specific powers, including the power to make and enforce such rules and regulations as may be necessary for effectuating the provisions of this article. (1955, c. 1186, s. 5; 1959, c. 326, ss. 2-7; 1965, c. 1096, s. 3.)

§ 116-159. Board's decisions limited by appropriations. — The exercise of the powers conferred on the Board and its decisions of an educational nature shall be made by the Board within the limits of appropriated funds and fiscal availability. (1955, c. 1186, s. 6; 1965, c. 1096, s. 4.)

§ 116-160. Hearings concerning proposed action.—Before final action is taken by the Board in the exercise of powers conferred by § 116-158, the presidents and such persons as they may designate shall, upon request, be granted an opportunity to be heard by the Board concerning the proposed action. (1955, c. 1186, s. 7; 1959, c. 326, s. 8; 1965, c. 1096, s. 5.)

§ 116-161. Licensing of institutions; regulation of degrees.—(a) No educational institution created or established in this State after April 15, 1923, by any person, firm, or corporation shall have power or authority to confer degrees upon any person except as provided in this section.

(b) The Board of Higher Education, under such standards as it shall establish, may issue its license to confer degrees in such form as it may prescribe to an educational institution established in this State after April 15, 1923, by any person, firm, organization, or corporation; but no educational institution established in the State subsequent to that date shall be empowered to confer degrees unless it has income sufficient to maintain an adequate faculty and equipment sufficient to provide adequate means of instruction in the arts and sciences, or any other recognized field of learning or knowledge.

(c) All institutions licensed under this section shall file such information with the Director of Higher Education as the Board of Higher Education may direct, and the Board may evaluate any institution applying for a license to confer degrees under this section. If any such institution shall fail to maintain the required standards, the Board of Higher Education shall revoke its license to confer degrees, subject to a right of review of this decision in the manner provided in §§ 143-306 through 143-316.

(d) The State Board of Education shall have sole authority to administer and supervise, at the State level, the system of community colleges, technical institutes, and industrial education centers provided in chapter 115A, and shall regulate the granting of appropriate awards and marks of distinction by those institutions. (1955, c. 1186, s. 8; 1963, c. 448, s. 26.)

§ 116-162. Biennial reports.—The Board shall prepare and publish biennially a report to the Governor, the General Assembly, and such institutions setting forth the progress, needs and recommendations of the Board. (1955, c. 1186, s. 9.)

§ 116-163. Office space; Director of Higher Education; review of actions of Director; other employees.—In order to effectuate the provisions of this article, the Board shall be furnished suitable quarters in Raleigh, and shall, subject to the approval of the Governor, appoint a full-time Director of Higher Education. The salary of the Director of Higher Education shall be fixed by the Governor subject to the approval of the Advisory Budget Commission. The Director of Higher Education shall have training and experience in the field of higher education and shall be well qualified to serve as the Director of a State System of Higher Education as contemplated by this article. The Director of Higher Education shall be responsible to the Board and shall perform such duties and exercise such powers as shall be prescribed by the Board. Any institution aggrieved by any action of the Director of Higher Education shall, upon request, be afforded an opportunity to be heard by the Board with respect thereto. The Board shall, within the limits of funds provided by law, appoint such professional staff members as shall be sufficient to carry out the provisions of this article, whose salaries shall

be fixed by the Governor subject to the approval of the Advisory Budget Commission, and such other necessary employees who shall be subject to the provisions of article 2, chapter 143 of the General Statutes. (1955, c. 1186, s. 10; 1957, c. 541, s. 21; 1965, c. 1096, s. 6.)

§ 116-164. Compensation and expenses of members.—Members of the Board shall receive no compensation for their services other than such per diem allowances and such allowance for travel expenses as shall be provided in each biennial Appropriation Act for such members. (1955, c. 1186, s. 11.)

§ 116-165. Necessary expenditures to be provided for in budget.—The necessary expenditures of the Board shall be provided for in a budget subject to the terms of article 1, chapter 143 of the General Statutes. (1955, c. 1186, s. 12.)

§ 116-166. Recommendations concerning employment of persons by institutions prohibited.—No member or employee of the Board shall make any recommendation concerning the prospective employment of any person by any of such institutions. (1955, c. 1186, s. 13.)

§ 116-167. Control over institutions by boards of trustees.—The various boards of trustees of the institutions of higher education shall continue to exercise such control over the institutions as is provided by law, subject only to the North Carolina Board of Higher Education within the limits of its jurisdiction as herein specified. It is not intended that the trustees of such institutions shall be divested of any powers or initiative now existing with reference to the internal affairs of such institutions, except to the extent that same are affected by the Board's exercise of the powers and performance of the duties specified in this article. (1955, c. 1186, s. 14.)

APPENDIX M

SOME PRINCIPAL STATUTES PERTAINING TO TRUSTEES
OF THE UNIVERSITY OF NORTH CAROLINA

§ 116-3. **Incorporation and corporate powers.**—The trustees of the University shall be a body politic and corporate, to be known and distinguished by the name of the "University of North Carolina," and by that name shall have perpetual succession and a common seal; and by that name shall be able and capable in law to take, demand, receive, and possess all moneys, goods, and chattels that shall be given for the use of the University, and to apply the same according to the will of the donors; and by gift, purchase, or devise to receive, possess, enjoy, and retain forever any and all real and personal estate and funds, of whatsoever kind, nature, or quality the same may be, in special trust and confidence that the same, or the profits thereof, shall be applied to and for the use and purpose of establishing and endowing the University, and shall have power to receive donations from any source whatever, to be exclusively devoted to the purposes of the maintenance of the University, or according to the terms of donation.

The corporation, by its corporate name, shall be able and capable in law to bargain, sell, grant, alien, or dispose of and convey and assure to the purchasers any and all such real and personal estate and funds as it may lawfully acquire when the condition of the grant to it or the will of the deviser does not forbid it; and shall be able and capable in law to sue and be sued in all courts whatsoever; and shall have power to open and receive subscriptions, and in general may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.

In addition to these powers, the board of trustees shall succeed to all the rights, privileges, duties and obligations by law, or otherwise, enjoyed by or imposed upon the University of North Carolina, the North Carolina State College of Agriculture and Engineering, and the North Carolina College for Women, prior to March 27, 1931. (1789, c. 305, ss. 1, 2, P. R.; R. S., vol. 2, pp. 424, 425; 1874-5, c. 236, s. 2; Code, ss. 2610, 2611, 2630; Rev., ss. 4260, 4261; C. S., s. 5782; 1931, c. 202, s. 4.)

§ 116-4. **Trustees; number, election and term.**—There shall be one hundred trustees of the University of North Carolina, at least ten of whom shall be women, who shall be elected by the General Assembly by joint ballot of both houses. The General Assembly in one thousand nine hundred and thirty-one shall elect such trustees, and their terms of office shall commence on July 1, 1932.

Twenty-five of the trustees shall be elected for terms expiring April 1, 1933, twenty-five for terms expiring April 1, 1935, twenty-five for terms expiring April 1, 1937, and twenty-five for terms expiring April 1, 1939. As and when their terms respectively expire, their successors shall be elected by the General Assembly by joint ballot for terms of eight years. Trustees shall continue to serve until their successors are elected. The Superintendent of Public Instruction is ex-officio a trustee of the University.

The members of the board of trustees of the University or other State institutions of North Carolina shall be deemed commissioners of public charities within the meaning of the proviso to section seven of Art. XIV of the Constitution of North Carolina. (Const., art. 9, s. 6; 1873-4, c. 64; 1876-7, c. 121, ss. 1, 2; 1883, c. 124, ss. 1, 2; Code, ss. 2620, 2625; Rev., s. 4268; 1909, c. 432; 1917, c. 47; C. S., s. 5789; 1931, c. 202, ss. 4, 5; 1937, c. 139; 1963, c. 448, s. 18.)

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§ 116-5. **Living Governors made honorary members of board of trustees.**—Each of the former Governors of North Carolina now living is hereby made an honorary member of the board of trustees of the University of North Carolina for life, with the power to vote on all matters coming before said board of trustees for consideration. The present Governor of North Carolina, and each succeeding Governor, shall, at the expiration of the term of office of each, automatically become an honorary member of the board of trustees of the University of North Carolina for life, with the power to vote on all matters coming before the said board of trustees for consideration. (1941, c. 136.)

§ 116-6. **Trustees may remove members of board.** — The board of trustees shall have power to vacate the appointment and remove a trustee for improper conduct, stating the cause of such removal on the journal; but this shall not be done except at a regular meeting of the board, and there shall be present at the doing thereof at least sixty-five of the members of the board. (R. S., vol. 2, p. 432; Code, s. 2619; Rev., s. 4270; C. S., s. 5790; 1963, c. 448, s. 20.)

§ 116-7. **Filling vacancies in board.**—Whenever any vacancy shall happen in the board of trustees it shall be the duty of the secretary of the board of trustees to communicate to the General Assembly the existence of such vacancy, and thereupon there shall be elected by joint ballot of both houses a suitable person to fill the same. Whenever a trustee shall fail to be present for two successive years at the regular meetings of the board, his place as trustee shall be deemed vacant within the meaning of this section, but shall not apply to members serving in any branch of the United States armed forces or in the military forces of any of the allies of the United States nor shall the place of any member of the board of trustees be declared vacant by reason of the absence of such member because of temporary service in the government of the United States or any of its agencies. (1804, c. 647, P. R.; 1805, c. 678, s. 2, P. R.; 1873-4, c. 64, s. 3; Code, s. 2622; 1891, c. 98; Rev., ss. 4271, 4272; 1907, c. 828; C. S., s. 5791; 1943, c. 175; 1969, c. 1126.)

§ 116-8. **Meetings of trustees, regular and special; quorum.**—There shall be three regular meetings of the board of trustees each calendar year. One of these regular meetings shall be in the city of Raleigh, which meeting shall be held during the session of the General Assembly during the years that body convenes. The other regular meetings shall be held at such time and place as the Governor may appoint. At any of the regular meetings of the board any number of trustees, not less than fifty-one, shall constitute a quorum and be competent to exercise full power and authority to do the business of the corporation; and the board or the Governor shall have power to appoint special meetings of the trustees at such time and place as, in their opinion, the interest of the corporation may require; but no special meeting shall have power to revoke or alter any order, resolution, or vote of any regular meeting; and the board of trustees at any regular meeting may, by resolution, vote, or ordinance, from time to time, as to it shall seem meet, limit, control, and restrain the business to be transacted, and the power to be possessed and exercised by special meetings of the board, called according to law, and the powers of such special meetings shall be limited, controlled and restrained accordingly. And every order, vote, resolution, or other act done, made, or adopted by any special meeting, contrary to any order, resolution, vote, or ordinance of the board at any regular meeting shall be absolutely, to all intents and purposes, null and void. (R. S., vol. 2, p. 433; 1873-4, c. 64, s. 2; Code, ss. 2616, 2618, 2621; Rev., s. 4269; C. S., s. 5792; 1963, c. 448, ss. 19, 20.)

§ 116-9. **Governor to preside at trustees' meetings or appoint presiding officer.**—The Governor shall preside at all the meetings of the board at which he may be present; and if, by indisposition or other cause, the Governor shall be absent from any meeting of the board, he may appoint, in writing, some other person, being a trustee, to act in his stead for the time being, which appointee shall preside accordingly; and if at any time the Governor shall be absent from the meeting of the board and shall not have appointed some trustee to act in his stead it shall be lawful for the board to appoint some one of their number to preside for the time being. (1805, c. 678, P. R.; R. S., vol. 2, p. 432; Code, s. 2615; Rev., s. 4263; C. S., s. 5788.)

§ 116-10. **Rules and regulations.**—The trustees shall have power to make such rules and regulations for the management of the University as they may deem necessary and expedient, not inconsistent with the constitution and laws of the State. (1873-4, c. 64, s. 4; Code, s. 2623; Rev., s. 4273; C. S., s. 5794.)

§ 116-11. **Executive committee.**—The trustees shall have power to appoint from their own number an executive committee which shall be clothed with such powers as the trustees may confer. (1873-4, c. 64, s. 5; Code, s. 2624; Rev., s. 4267; C. S., s. 5795.)

§ 116-12. **President and faculty.**—The trustees shall have the power of appointing a president of the University of North Carolina and such professors, tutors, and other officers as to them shall appear necessary and proper, whom they may remove for misbehavior, inability, or neglect of duty. (1789, c. 305, s. 7, P. R.; R. S., vol. 2, p. 427; Code, s. 2613; Rev., s. 4264; C. S., s. 5796.)

§ 116-13. **Treasurer; duties and bond.**—The trustees shall elect and commission some person to be treasurer for the corporation during the term of two years and until his successor shall be elected and qualified; which treasurer shall enter into bond, with sufficient sureties, payable to the State of North Carolina, in the sum of not less than ten thousand dollars, conditioned for the faithful discharge of his office and the trust reposed in him, and that all moneys and chattels belonging to the corporation that shall be in his hands at the expiration of his office shall then be immediately paid and delivered into the hands of the succeeding treasurer. Every treasurer shall receive all moneys, donations, gifts, bequests, and charities whatsoever that may belong or accrue to the corporation during his office, and at the expiration thereof shall account with the trustees for the same, and the same pay and deliver over to the succeeding treasurer; and on his neglect or refusal so to pay and deliver the same proceedings may be had against him as is or may be provided for the recovery of moneys from sheriffs or other persons chargeable with public moneys. (1789, c. 305, s. 4, P. R.; R. S., vol. 2, p. 426; Code, s. 2612; Rev., s. 4265; C. S., s. 5797.)

§ 116-14. **Vacancies in offices of secretary and treasurer.**—In case the office of secretary or treasurer of the corporation shall be vacant from any cause whatever in the recess of the board of trustees, the president shall appoint a suitable person to fill the same until the annual meeting of the board of trustees, at which time the board shall elect a proper person to fill such vacancy. (R. S., vol. 2, p. 433; Code, s. 2617; Rev., s. 4266; C. S., s. 5798.)

APPENDIX N

PRINCIPAL STATUTE PERTAINING TO TRUSTEES OF REGIONAL
UNIVERSITIES IN NORTH CAROLINA

§ 116-46. Provisions common to all named institutions.—The following provisions shall be common to all the institutions hereinbefore named:

- (1) Members of Board of Trustees; Number, Terms and Appointment.
 - a. The board of trustees of the institution shall consist of twelve persons appointed for terms of eight years each, beginning July 1 of an odd-numbered year, the terms to be staggered so that three vacancies occur every two years.
 - b. Members of the present board of trustees of each of said institutions shall serve out their respective terms and until the next succeeding July 1. At the expiration of their present terms, as thus extended, new appointments to the board of trustees of each of said institutions shall be made so as to provide a board of trustees of twelve members appointed for terms of eight years each, the terms to be staggered so that three vacancies shall occur every two years.
 - c. In the case of the Agricultural and Technical College of North Carolina, which has at present more than twelve trustees, vacancies as they occur shall not be filled until the board of trustees shall be reduced to the required number of twelve members as herein provided.
 - d. The Governor shall make all appointments to each of said boards of trustees, subject to the confirmation of the General Assembly in joint session assembled.
- (2) Removal of Trustees; When Position Deemed Vacant.
 - a. Members of each board of trustees shall be subject to removal for cause by the Governor and Council of State.
 - b. Whenever a trustee shall fail to be present for two successive regular meetings of the board of trustees, without just cause as determined by the board, his position as trustee shall be deemed vacant, and said vacancy shall be filled as herein provided.
- (3) Meetings of Board.—It shall be the duty of each of said boards of trustees to hold not less than two regular meetings a year as fixed by the trustees, at which the board shall consider recommendations of the president of the institution, and transact such other business as may properly come before it. The board of trustees may also hold special meetings from time to time upon the call of the chairman of the board.
- (4) Election of Chairman and Vice-Chairman; Committees of Board; Quorum; Majority Vote.—At the first meeting after June 30 of each year, the board of trustees shall elect one of their own members as chairman and one as vice-chairman, and designate such committees of the board, and endow them with such powers, as may be deemed proper and wise for the management of the affairs of the institution. The chairman shall appoint the committees so designated. A quorum of the board of trustees for the transaction of business shall consist of a majority of the members of the board. All actions of the board of trustees shall be taken by a majority vote, a quorum being present.
- (5) Board a Body Corporate and Agency of State; Title to Property; Management of Institution.
 - a. The board of trustees of each of said institutions is hereby constituted a body corporate and an agency of the State of North Carolina under the name and style of "The Board of Trustees of" (in which shall be inserted the name of the institution) and by that name may sue and be sued, make

contracts, acquire real and personal property by gift, purchase, or devise, and exercise such other rights and privileges as are ordinarily exercised by corporations of like character and as are necessary for the proper administration of the affairs of said institution.

- b. The board of trustees of each of said institutions and its successors in office shall hold in trust for the State of North Carolina title to all property now held, or which shall be later acquired by said board.
 - c. The board of trustees of each of said institutions shall be responsible for the management of all the affairs of the institution, subject to the applicable laws of the State of North Carolina, and shall have the duty to provide for the handling and expenditure of all moneys whatsoever belonging to, appropriated to, or in any way acquired by the institution; it shall provide for the erection of all buildings, the making of all needed improvements, the maintenance of the physical plant of said institution, and may do all things deemed useful and wise for the good of the institution. Institutions operating electric power plants and distribution systems as of June 6, 1957 are authorized to continue such operation and, after furnishing light and power to the institution, to sell any excess current to the people of the community at a rate or rates approved by the Utilities Commission. Any net profits derived from the operation of such power plants and distribution systems shall be paid into the endowment fund of the institution authorized under G. S. 116-46 (7).
 - d. It shall be the duty of each of said boards of trustees to elect a president of the institution and to fix his salary within the schedule provided by law, and to fix his tenure of office. Upon the recommendation of the president, it shall be the duty of the board of trustees to elect other officers, teachers, and employees, to fix their duties, tenure of office, and within the schedule provided by law, their salaries. The board of trustees shall also establish bylaws for the management of the institution's affairs, and rules and regulations for the general management of the institution, and the discipline of the students.
 - e. The board of trustees of each of said institutions, upon the recommendation of the faculty, is hereby authorized and empowered to confer or cause to be conferred such degrees as are usually conferred by similar institutions, subject to the authority of the North Carolina Board of Higher Education to determine and approve the kinds of degrees to be conferred by the institution.
 - f. Each of said institutions now operating a campus laboratory or demonstration school may continue to do so under the now existing plan of operation, consistent with the appropriations made therefor.
- (6) Duties of President of Institution.
- a. It shall be the duty of the president of each of said institutions to attend all meetings of the board of trustees, to be responsible for the keeping of a full and complete record of such meetings, and to act as custodian of all records, deeds, contracts, and the like. It shall be the duty of the president to keep the board of trustees fully informed of the operations of the institution and its needs.

- b. Whenever the term of office of any member of the board of trustees of such institutions is about to expire, or should a vacancy occur for any cause, the president, with the approval of the chairman of the board of trustees, shall immediately notify the Governor, to the end that he may make an appointment to fill such vacancy.
- c. The president shall be the administrative and executive head of the institution, and shall not be a member of the board of trustees. He shall prepare annually for the board of trustees a detailed report of the operations of the institution for the preceding year and cause one copy thereof to be filed with the official records of the board of trustees and one copy to be filed with the North Carolina Board of Higher Education.
- d. The president of the institution shall recommend courses of study, subject to the approval of the board of trustees, and further subject to the authority of the North Carolina Board of Higher Education to determine the major functions and activities of State supported institutions of higher education.

(7) Endowment Fund.

- a. Each of said boards of trustees is hereby authorized to establish a permanent endowment fund.
- b. Such board of trustees shall appoint an investment committee, to be known as "The Board of Trustees of the Endowment Fund of the College," (in which shall be inserted the name of the institution) which board of trustees of the endowment fund is hereby created as an agency of the board of trustees of the college to do the specific things hereinafter enumerated. The board of trustees of the endowment fund shall consist of five members, including the chairman of the board of trustees, the president of the college, and three other persons, not necessarily members of the board of trustees of the college, to be chosen by the board of trustees of said college.
- c. The chairman of the board of trustees of the college shall be the chairman of the board of trustees of the endowment fund.
- d. The trustees of said endowment fund may receive gifts, donations, and bequests, may in their discretion retain such in the form in which they are made, and may use the same as a permanent endowment fund. Said trustees may retain in such permanent endowment fund any other moneys or securities of any kind that may come to them from the board of trustees of the college or that may come to the trustees of the endowment fund, excepting always the moneys received from State appropriations, and from tuition, fees, and the like, collected from students and used for the general operation of the college. The trustees of the endowment fund shall have power to sell any property, real or personal, of the fund, at either public or private sale.
- e. The trustees of the endowment fund shall be responsible for the prudent investment of the fund, in the exercise of their sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries.
- f. The principal of said endowment fund shall be kept intact and only the income therefrom may be expended. The trustees of the endowment fund shall determine what is income and what is principal.

- g. It is not the intent that the income from such endowment fund shall take the place of State appropriations or any part thereof but that it shall supplement the State appropriations to the end that the institution may improve and increase its functions, may enlarge its areas of service and may become more useful to a greater number of people. All expenditures of moneys from the endowment fund shall in all cases be approved by the board of trustees of the institution and expended under the board's direction. Funds from the endowment fund shall not be expended for a purpose which will impose a financial burden on the State of North Carolina without first securing the approval of the North Carolina Board of Higher Education and the Advisory Budget Commission.
- h. The board of trustees of the institution shall establish standards for such scholarships as may be awarded from proceeds of said endowment fund and may change or alter such standards from time to time.
- i. Nothing in this section shall be construed to prevent the trustees of the endowment fund from receiving gifts, donations and bequests and from using the same for such lawful purposes as the donor or donors designate, subject always to the approval of the board of trustees of the institution, and subject, further, to the approval of the North Carolina Board of Higher Education and the Advisory Budget Commission if the expenditure of funds would impose a financial burden on the State of North Carolina. (1957, c. 1142.)

APPENDIX O

SOME PRINCIPAL STATUTES PERTAINING TO TRUSTEES OF THE
NORTH CAROLINA SCHOOL OF THE ARTS

§ 116-65. Board of trustees to govern; appointment of members; terms; officers; title of board; powers generally.—The school shall be governed by a board of trustees consisting of twelve members, appointed by the Governor, who will serve terms of six (6) years, except that, of the first board of trustees appointed pursuant to this article, four members of the said board of trustees shall serve for terms of six (6) years, four members shall serve for terms of four (4) years, and four members shall serve for terms of two (2) years, with all terms to commence on July 1 of the year in which the members shall be appointed. The conductor of the North Carolina Symphony shall be an ex officio member of the board of trustees. In the event of a vacancy arising, the Governor shall appoint a member to fill the vacancy for the unexpired term.

The board of trustees shall elect annually from their number a chairman and a vice-chairman. The board shall also elect a secretary and a treasurer, who may, but need not be, a member of the board of trustees, and the offices of secretary and treasurer may be held by the same person. The meeting for the election of officers shall be held not earlier than July 1 and not later than September 1 of each year. Officers shall be elected to serve for terms of one (1) year, and until their successors are elected and qualified. The board of trustees shall be known as "The Trustees of" (here insert name of school) and shall be a body corporate, with all the powers usually conferred upon such bodies and necessary to enable it to acquire, hold and transfer property, make contracts, sue and be sued, and to exercise such other rights and privileges as may be necessary for the management and administration of the school, and for carrying out the provisions and purposes of this article. (1963, c. 1116.)

§ 116-66. Enumerated powers of board.—The trustees of the said school shall have authority, in the exercise of which they shall be advised and assisted by the State Board of Education and the State Board of Higher Education, as the level of training programs for high school and college students in the school may require, and by the advisory board of the school:

- (1) To meet, as soon as practicable after appointment, to consider sites which may be offered as a location for the school. From all sites offered, the board of trustees shall recommend to the Governor that site considered most suitable as the location for the said school, and shall, upon the Governor's approval of that site, or of some subsequently recommended site, and pursuant to the authority herein granted to it, establish the school at that approved site.
- (2) To select an appropriate name for the school which shall be acceptable to the Governor and the advisory board, and to supporting donors.
- (3) To receive and accept private donations for such purposes and upon such terms as the donor may prescribe and which are consistent with the provisions of this article.
- (4) To employ a president, dean or other chief administrative officer of the school, who shall be preferably a noted composer or dramatist, upon such terms and conditions as the trustees shall fix and determine.
- (5) To employ, or to authorize the chief administrative officer to employ, subject to the approval of the trustees, all such other officers, teachers, instructors and employees as may be necessary for the operation of the school and to prescribe their titles and duties, the chief criteria to be their excellence in the performing arts and their professional standing therein, rather than academic degrees and training.

- (6) To prescribe, with the advice and approval of the State Board of Education and the State Board of Higher Education, as appropriate, and in consultation with the advisory board of the school, the curricula which shall be offered, and the certificates or degrees which shall be awarded upon satisfactory completion of any given course of study.
- (7) To do all things necessary or proper to comply with any conditions which may be prescribed by the State of North Carolina or the United States of America in order to be eligible to receive moneys or other assistance appropriated or designated for the benefit of such institutions.
- (8) To fix tuition, fees, and other charges for students attending or applying for attendance at the school.
- (9) To prescribe and require the use of entrance examinations, so that professional training shall be made available only to those students who possess exceptional talent in the performing arts.
- (10) In conformity with the provisions of article 1 of chapter 143 of the General Statutes, entitled "The Executive Budget Act," to provide for an adequate system of accounting for all funds and property received, held, managed, expended or used by the school, and to require persons directly responsible for the handling of such funds to be adequately bonded.
- (11) To utilize, pursuant to agreement with institutions of higher education or with any local administrative school unit, existing facilities and such academic nonarts courses and programs of instruction which will be needed by the students of the school, and, in their discretion, to employ personnel jointly with any such unit on a cooperative, cost sharing basis.
- (12) To hold in trust for the State of North Carolina title to all property which may be acquired by the said board for the benefit of the school.
- (13) To provide for the management of all the affairs of the school, subject to the applicable laws of the State, and particularly subject to the provisions of the Executive Budget Act, and to provide for the handling and expenditure of all moneys whatsoever belonging to, appropriated to, or in any way acquired by the said institution or board of trustees; to provide for the erection of all buildings, the making of all needed improvements and the maintenance of the physical plant of said school.
- (14) To confer and cooperate with the Southern Regional Education Board and with other regional and national organizations to obtain wide support and to establish the school as the center in the South for the professional training and performance of artists.
- (15) To perform such other acts and do such other things as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of all reasonable rules, regulations and bylaws for the government and operation of the school under this article and for the discipline of students. (1963, c. 1116.)

APPENDIX P

SOME PRINCIPAL STATUTES PERTAINING TO TRUSTEES OF
COMMUNITY COLLEGES IN NORTH CAROLINA

§ 115A-3. State Board of Education to establish department to administer system of educational institutions.—The State Board of Education is authorized to establish and organize a department to provide State-level administration, under the direction of the Board, of a system of community colleges, technical institutes, and industrial education centers, separate from the free public school system of the State. The Board shall have authority to adopt and administer all policies, regulations, and standards which it may deem necessary for the establishment and operation of the department. The personnel of the department shall be governed by the same policies as the personnel of the other departments of the Board of Education and shall be subject to the provisions contained in article 2, chapter 143 of the General Statutes; except the position of the director or chief administrative officer of the department shall be exempt from the provisions of the State Personnel Act, and the compensation of this position shall be fixed by the Governor, upon the recommendation of the State Board of Education, subject to approval by the Advisory Budget Commission.

The State Board of Education shall appoint an Advisory Council consisting of at least seven members to advise the Board on matters relating to personnel, curricula, finance, articulation, and other matters concerning institutional programs and coordination with other educational institutions of the State. Two members of the Advisory Council shall be members of the North Carolina Board of Higher Education or of its professional staff, and two members of the Advisory Council shall be members of the faculties or administrative staffs of institutions of higher education in this State. (1963, c. 448, s. 23.)

§ 115A-5. Administration of institutions by State Board of Education; personnel exempt from State Personnel Act; contracting, etc., for establishment and operation of extension units of community college system; use of existing public school facilities.—The State Board of Education may adopt and execute such policies, regulations and standards concerning the establishment and operation of institutions as the Board may deem necessary to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.

The State Board of Education shall establish standards and scales for salaries and allotments paid from funds administered by the Board, and all employees of the institutions shall be exempt from the provisions of the State Personnel Act. The Board shall have authority with respect to individual institutions: To approve sites, buildings, building plans, budgets; to approve the selection of the chief administrative officer; to establish and administer standards for professional personnel, curricula, admissions, and graduation; to regulate the awarding of degrees, diplomas, and certificates; to establish and regulate student tuition and fees and financial accounting procedures.

The State Board of Education is authorized to enter into agreements with county and city boards of education, upon approval by the Governor and the Advisory Budget Commission, for the establishment and operation of extension units of the community college system. The State Board is further authorized to provide the financial support for matching capital outlay and for operating and equipping extension units as provided in this chapter for other institutions, subject to available funds.

§ 115A-9.1. **Sale, exchange or lease of property.**—When in the opinion of the board of trustees of any institution organized under the provisions of this chapter, the use of any property, real or personal, owned or held by said board of trustees is unnecessary or undesirable for the purposes of said institution, the board of trustees, subject to prior approval of the State Board of Education, may sell, exchange, or lease such property in the same manner as is provided by law for the sale, exchange, or lease of school property by county or city boards of education. The proceeds of any such sale or lease shall be used for capital outlay purposes. (1969, c. 338.)

§ 115A-10. **Trustees declared to be commissioners for special purpose.**—All trustees of institutions in this chapter are declared to be commissioners for special purposes within the meaning of article XIV, § 7, of the Constitution of North Carolina. (1963, c. 448, s. 23.)

§ 115A-11. **Compensation of trustees.**—Trustees shall receive no compensation for their services but shall receive reimbursement, according to regulations adopted by the State Board of Education, for cost of travel, meals, and lodging while performing their official duties. (1963, c. 448, s. 23.)

§ 115A-12. **Organization of boards; meetings.** — At the first meeting after its selection, each board of trustees shall elect from its membership a chairman, who shall preside at all board meetings, and a vice-chairman, who shall preside in the absence of the chairman. The trustees shall also elect a secretary, who need not be a trustee, to keep the minutes of all board meetings. All three officers of the board shall be elected for a period of one year but shall be eligible for re-election by the board.

Each board of trustees shall meet as often as may be necessary for the conduct of the business of the institution but shall meet at least once every three (3) months. Meetings may be called by the chairman of the board or by the chief administrative officer of the institution. (1963, c. 448, s. 23.)

§ 115A-13. **Removal of trustees.**—Should the State Board of Education have sufficient evidence that any member of the board of trustees of an institution is not capable of discharging, or is not discharging, the duties of his office as required by law or lawful regulation, or is guilty of immoral or disreputable conduct, the Board shall notify the chairman of such Board of Trustees, unless the chairman is the offending member, in which case the other members of the board shall be notified. Upon receipt of such notice there shall be a meeting of the board of trustees for the purpose of investigating the charges, at which meeting a representative of the State Board of Education may appear to present evidence of the charges. The allegedly offending member shall be given proper and adequate notice of the meeting and the findings of the other members of the board shall be recorded, along with the action taken, in the minutes of the board of trustees. If the charges are, by an affirmative vote of two-thirds of the members of the board, found to be true, the board of trustees shall declare the office of the offending member to be vacant.

Nothing in this section shall be construed to limit the authority of a board of trustees to hold a hearing as provided herein upon evidence known or presented to it. (1963, c. 448, s. 23.)

§ 115A-14. **Powers and duties of trustees.**—The trustees of each institution shall constitute the local administrative board of such institution, with such powers and duties as are provided in this chapter and are delegated to it by the State Board of Education. Included in the powers granted to the trustees are the following:

community colleges for which boards of trustees first shall be established pursuant to the provisions of this chapter, terms of the members of each board shall be so set by the selecting agencies that the term of a member in each group in § 115A-7 (a), shall expire on June 30 of every other year, the shortest term to expire on June 30 of the next odd-numbered year following the date the Board of trustees is established. Thereafter, all terms shall be eight (8) years and shall commence on July 1.

- (2) For those community colleges which hereafter shall be operated pursuant to this chapter but for which the boards of trustees have previously been appointed pursuant to the provisions of article 3, chapter 116, of the General Statutes, all trustees previously appointed and currently serving shall continue to serve until the expiration of their respective terms.

a. As the terms of the four trustees previously appointed by the city and/or county boards of education expire, their successors shall be selected by the agencies specified for Group One in § 115A-7, so that a term shall expire on June 30 of every other year, the shortest term to expire on June 30 of the next odd-numbered year following the date the successors are appointed. Thereafter, all terms shall be eight (8) years and shall commence July 1.

b. As the terms of the four trustees previously appointed by the governing board of the municipality and/or the board of commissioners expire, their successors shall be selected by the agencies specified for Group Two in § 115A-7, so that a term shall expire on June 30 of every other year, the shortest term to expire on June 30 of the next odd-numbered year following the date the successors are appointed. Thereafter, all terms shall be eight (8) years and shall commence on July 1.

c. As the terms of the four trustees previously appointed by the Governor expire, their successors shall be appointed by the Governor, so that a term shall expire on June 30 of every other year, the shortest term to expire on June 30 of the next odd-numbered year following the date the successors are appointed. Thereafter, all terms shall be eight (8) years and shall commence on July 1. (1963, c. 448, s. 23.)

§ 115A-9. Board of trustees a body corporate; corporate name and powers; title to property.—The board of trustees of each institution shall be a body corporate with all powers usually conferred upon such bodies to enable it to acquire, hold, and transfer real and personal property, to enter into contracts, to institute and defend legal actions and suits, and to exercise such other rights and privileges as may be necessary for the management and administration of the institution and for carrying out the provisions and purposes of this chapter. The official title of each board shall be "The Trustees of" (filling in the name of the institution) and such title shall be the official corporate name of the institution.

The several boards of trustees shall hold title to all real and personal property donated to their respective institutions or purchased with funds provided by the tax levying authorities of their respective institutions. Title to equipment furnished by the State shall remain in the State Board of Education. In the event that an institution shall cease to operate, title to all real and personal property donated to the institution or purchased with funds provided by the tax levying authorities, except as provided for in § 115A-4, shall vest in the county in which the institution is located, unless the terms of the deed of gift in the case of donated property provides otherwise, or unless in the case of two or more counties forming a joint institution the contract provided for in § 115-37 provides otherwise. (1963, c. 448, s. 23.)

On petition of the board of education of the school administrative unit in which an institution is proposed to be established, the State Board of Education may approve the utilization by such proposed institution of existing public school facilities, if the Board finds:

- (1) That an adequate portion of such facilities can be devoted to the exclusive use of the institution, and
- (2) That such utilization will be consistent with sound educational considerations. (1963, c. 448, s. 23; 1967, c. 652; 1969, c. 1294.)

§ 115A-6. Withdrawal of State support.—The State Board of Education may withdraw or withhold State financial and administrative support of any institutions subject to the provisions of this chapter in the event that:

- (1) The required local financial support of an institution is not provided;
- (2) Sufficient State funds are not available;
- (3) The officials of an institution refuse or are unable to maintain prescribed standards of administration or instruction; or
- (4) Local educational needs for such an institution cease to exist. (1963, c. 448, s. 23.)

§ 115A-7. Each institution to have board of trustees; selection of trustees.—(a) Each community college and technical institute established or operated pursuant to this chapter shall be governed by a board of trustees consisting of twelve members, who shall be selected by the following agencies.

Group One—four trustees, elected by the board of education of the public school administrative unit located in the administrative area of the institution. If there are two or more public school administrative units, whether city or county units, or both, located within the administrative area, the trustees shall be elected jointly by all of the boards of education of those units, each board having one vote in the election of each trustee, except as provided in § 115A-37.

Group Two—four trustees, elected by the board of commissioners of the county in which the institution is located. Provided, however, if the administrative area of the institution is composed of two or more counties, the trustees shall be elected jointly by the boards of commissioners of all those counties, each board having one vote in the election of each trustee.

Group Three—four trustees, appointed by the Governor.

(b) Each industrial education center established or operated pursuant to this chapter shall be governed by a board of trustees consisting of eight members, four of whom shall be selected by the agencies provided for Group One in subsection (a) above and four by the agencies provided for Group Two above.

(c) All trustees shall be residents of the administrative area of the institution for which they are selected or of counties contiguous thereto.

(d) Vacancies occurring in any group for whatever reason shall be filled for the remainder of the unexpired term by the agency or agencies authorized to select trustees of that group and in the manner in which regular selections are made. Should the selection of a trustee not be made by the agency or agencies having the authority to do so within sixty (60) days after the date on which a vacancy occurs, whether by creation or expiration of a term or for any other reason, the Governor shall fill the vacancy by appointment for the remainder of the unexpired term. (1963, c. 448, s. 23.)

§ 115A-8. Term of office of trustees.—Trustees shall serve for terms of eight (8) years, except that initially:

- (1) For all industrial education centers and technical institutes and for those

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- (1) To elect a president or chief administrative officer of the institution for such term and under such conditions as the trustees may fix, such election to be subject to the approval of the State Board of Education.
 - (2) To elect or employ all other personnel of the institution upon nomination by the president or chief administrative officer, subject to standards established by the State Board of Education.
 - (3) To purchase any land, easement, or right-of-way which shall be necessary for the proper operation of the institution, when such site has been approved by the State Board of Education, and, if necessary, to acquire land by condemnation in the same manner and under the same procedures as provided in article 2, chapter 40 of the General Statutes. For the purpose of condemnation, the determination by the trustees as to the location and amount of land to be taken and the necessity therefor shall be conclusive.
 - (4) To apply to the standards and requirements for admission and graduation of students and other standards established by the State Board of Education.
 - (5) To receive and accept private donations, gifts, bequests, and the like and to apply them or invest any of them and apply the proceeds for purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of this chapter and the regulations of the State Board of Education.
 - (6) To provide all or part of the instructional services for the institution by contracting with other public or private educational institutions of the State, according to regulations and standards adopted by the State Board of Education.
 - (7) To perform such other acts and do such other things as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of all reasonable rules, regulations, and bylaws for the government and operation of the institution under this chapter and for the discipline of students. (1963, c. 448, s. 23.)